HOUSE OF ASSEMBLY

Wednesday, October 11, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

PETITION: FATHERS' RIGHTS

Mr. SLATER presented a petition signed by 100 persons, referring to a report in the *Advertiser* of Tuesday, July 25, 1972, headed "Men Who Need Equal Rights", and stating that the law should be amended to enable "single fathers" to receive (*a*) free medical benefits; (*b*) free dental benefits; and (*c*) sums (based on income) to meet housekeeping or child-minding fees.

Petition received and read.

QUESTIONS

DAY-CARE FACILITIES

Dr. EASTICK: Does the Minister of Community Welfare plan to ensure that South Australia shares in the newly-announced Commonwealth allocation of more than $23,000,000 in respect of child day-care facilities throughout Australia? A press report today states that in Canberra yesterday the Commonwealth Minister for Labour and National Service introduced a Bill that will provide Commonwealth finance for capital and recurring grants in connection with day-care facilities for the children of working parents. I understand that $5,000,000 will be spent during the present financial year and that a total of $23,000,000 will be provided over the next three years. On a straight-out per capita basis of distribution amongst the States, South Australia could expect to receive between $2,000,000 and $3,000,000 of this money. However, this amount could be increased, because inquiries show that there is no prior allocation of the funds but that individual projects will be retained and individual requirements of the States met on the basis of priorities and cases that are submitted. In this State where many women are employed in industry, we could well be entitled to more than the $2,000,000 to $3,000,000 that I have mentioned. As the individual applications will be decided on their merit, I suggest to the Minister that it could well be to the advantage of this State to encourage the various organizations and industry to apply at the earliest possible time, through the relevant channels. Therefore, I ask the Minister whether he has started any thinking on these lines, and, if he has not done that, whether he will initiate the necessary moves so that South Australia may take advantage of this further generous offer from the Commonwealth Government.

The Hon. L. J. KING: I have had no communication from the Commonwealth Government on this matter for more than two years. From the time when the then Prime Minister (Mr. Gorton) indicated that the Commonwealth Government was willing to do something in this area, there has been complete silence. However, I am pleased to learn that on election eve apparently the Commonwealth Government's interest in this matter has been revived. I have had no official communication from the Commonwealth Government and I know no more of the details of the scheme than has appeared in the news media. I understand that the money is designed for private organizations and for councils and that it will not involve grants to the States. I do not know what initiatives by the State will assist in securing an adequate share of these funds for South Australian organizations, but certainly the matter will be studied and, if any action by the South Australian Government will assist in this regard, that action will be taken.

ONE STICK BAY ROAD

Mr. KENEALLY: I had intended to ask a question of the Deputy Leader of the Opposition but, as the member for Mitcham is not in the Chamber and we are not sure whether he is still the Deputy Leader, I will ask a question of the Minister of Roads and Transport about that much more important matter, namely, the road to One Stick Bay. Has the Minister a reply to my recent question about that matter?

The Hon. G. T. VIRGO: I am not sure what is the similarity between the member for Mitcham and One Stick Bay road, but I shall give the reply for which the member for Stuart has asked. The area of Commonwealth property required to enable the construction of One Stick Bay road to proceed has not been ceded to South Australia.

Mr. Jennings: What a pity Millhouse has seeded in South Australia!

The SPEAKER: Order!

The Hon. G. T. VIRGO: However, it is expected that settlement on this matter will take place very shortly. It will be then necessary, in order of priority, to do the following:

(1) Relocate various sections of the existing track, totalling about six miles in length, so that the track is on State land.

(2) Arrange for the supply and erection of fencing between State and Commonwealth land, as required by the Commonwealth. This cost will be shared on a 50-50 basis.

(3) Upgrade the section of road between Eyre Highway and the boundary fence and grid.

These works will be arranged at the earliest practicable date.

LERP

Mr. RODDA: Has the Minister of Environment and Conservation a reply to the question I asked last week regarding the depredation by lerp in the red gum area of the South-East?

The Hon. G. R. BROOMHILL: Co-operative studies of lerp attacks on pink gums in the Tintinara-Keith area have been commenced by entomologists of the Agriculture Department and the Waite Agricultural Research Institute, with some assistance from the Tintinara council. Work in progress comprises two parts. The first part is a continuation of the long-term studies initiated by Dr. T. C. White, who is now resident in Fiji. These studies are of a long-term ecological nature and are far from complete at this stage. The second part comprises insecticidal trials aimed at determining appropriate measures for the short-term protection of trees. These trials were set out on Mr. J. Tyler's property near Willalooka at an appropriate time in the life cycle of the insect in February this year. The Willalooka area was chosen because at that time it was one of the few areas still suffering moderate attack, the previously affected areas being then at various stages of recovery. Several insecticides were tried in the form of sprays, paints or injections. Some show promise of ability to control the insect, provided that it proves practicable, and otherwise desirable, to apply the insecticide over large enough areas at the correct time. However, as the study is still in progress, it is not yet possible to submit a suitably comprehensive report or recommendations.

TELEVISION NEWS

Mr. BURDON: Has the Premier a reply to my recent question about a later time for the evening television news service after daylight saving is introduced?

The Hon. D. A. DUNSTAN: Following a Ministerial meeting in Sydney in July regarding daylight saving, all States agreed to approach the Australian Broadcasting Commission requesting that evening news services be broadcast one hour later during periods of daylight saving. The South Australian Government has written to the commission but has not yet received a reply to its representations.

NORTH ADELAIDE TANK

Mr. COUMBE: Has the Minister of Works a reply to my recent question about the North Adelaide tank and the trunk main works that are to proceed along Barton Terrace, North Adelaide?

The Hon. J. D. CORCORAN: The work which is being undertaken at the North Adelaide tank is associated with the proposed new trunk main between the North Adelaide tank and Kilkenny. The by-pass connection from the existing 44in. inlet main to the North Adelaide tank has been laid around the tank too near the point where the new 36in. main will be jacked over the Main North Road and Prospect Road to avoid opening up the surface of these busy traffic highways. The new outlet main will then be laid in the park lands just inside the tree line on a line parallel to Barton Terrace until it picks up an alignment which will allow it to be laid down Hawker Street, Brompton, to Main South Road, then down Reynell Road to David Terrace, Kilkenny, where it will connect into the existing 24in. main and terminate. The details of this route and the programming of the work have been co-ordinated by the Engineering and Water Supply Department with the Highways Department, the Adelaide City Council, and the Hindmarsh and Woodville councils. The work is expected to take more than 12 months to complete.

VENEREAL DISEASE

Dr. TONKIN: Has the Attorney-General a reply from the Minister of Health to my recent question about venereal disease?

The Hon. L. J. KING: My colleague states that the Central Board of Health in its 1970 report stated:

> This increase of reported syphilis cases represents, in the main, better reporting of early infective cases and closer checking on reactive serological reports from the Institute of Medical and Veterinary Science.

The numbers of reported cases for both gonorrhoea and syphilis have continued to show an upward trend. It is very difficult to say how much of this is real and how much it is due to the development and extension of activities in this field by the Public Health Department. The higher number of cases registered is in part due to the extension of the free clinics available to the public, better notification, and generally greatly increased

co-operation between private medical practitioners and the venereal diseases section of the Public Health Department.

The existing free clinics for the investigation of venereal diseases can cope adequately with the gradually increasing numbers of persons seeking treatment. It is expected that with the opening of the proposed new venereal diseases clinic, to be situated in the new chest clinic, the hours of operation will be extended. The role of the venereal diseases section in the Epidemiology Branch of the Public Health Department is not seen as one to take over the treatment of venereal diseases entirely. The facilities provided by the department serve mainly to supplement the work of private medical practitioners in this area through the provision of contact tracing and investigation services. The Public Health Department's venereal diseases clinic has an important role in teaching medical undergraduates. The venereal diseases section also engages in health education and the provision of an information service to doctors of up-to-date treatment methods. It is expected that further clinics will be established by the department in association with teaching hospitals.

CRAFERS LAND

Mr. EVANS: Has the Minister of Roads and Transport a reply to my recent question about surplus land adjoining the South-Eastern Freeway and whether part of it could be made available for local projects?

The Hon. G. T. VIRGO: The matter of the disposal of land which is now surplus to Highways Department requirements is being considered in a general way. No decision has as yet been made regarding the land to which the honourable member refers. However, representations that have been made concerning the requirements of the proposed homes for the aged and the Crafers Tennis Club have been noted by the department, and due consideration will be given them at the appropriate time.

SHARK SALES

Mr. CARNIE: Has the Premier a reply to my question of September 13 about compensation in connection with shark fishing?

The Hon. D. A. DUNSTAN: The question of possible compensation to South Australian shark fishermen affected adversely by the decision of the Victorian Government to ban the sale of certain shark flesh in that State has been considered by Cabinet, which has decided that no compensation will be paid at this juncture. Whilst the Government is aware of the impact of the ban on South Australian shark fishermen it was applied by the Victorian Government without prior consultation with this State or, it is believed, any other State, and the decision was virtually forced on the Victorian Government following recommendations by the health authorities in that State.

The whole situation was discussed at length at the meeting of the Australian Fisheries Council held in Sydney this week, and it was decided by the council to urge the National Health and Medical Research Council to undertake further investigations and research into the problem of mercury accumulations in fish, as a matter of urgency. The findings from these investigations can then be compared to the decision of the United Nations World Health Organization, which is expected next month to present its report on acceptable levels of mercury in fish, and the problem again reviewed. The Minister of Agriculture stresses that the mercurial content of fish and fish products taken from Australian waters occurs primarily as a result of accumulations of mercury salts naturally present in sea water, and not from industrial sources. Depending on the results of further research into the effects on human beings of mercury in some species of fish, it may well be desirable to mount a public educational campaign to warn people of the possible consequence of consuming excessive amounts of the flesh of these species over extended periods.

PARTY MEETING

Mr. LANGLEY: Can the member for Rocky River, who is famous for his left hooks in this Chamber, release the result of today's contest in his Party room? Did he win on a knockout, was the result a draw, or did he win on a foul?

The SPEAKER: Order! The honourable member's question is out of order.

POLICE CADETS

Mr. McANANEY: Has the Attorney-General a reply from the Chief Secretary to the question I asked on September 20 in the Estimates debate about the number of police cadets recruited?

The Hon. L. J. KING: The Chief Secretary states that the schedule set out hereunder indicates the number of applications for employment as police cadets and the acceptances for the years 1967 to June 30, 1972:

Year	Total inquiries	Applications not pursued or rejected	Cadets recruited
1971-72 . . .	475	305	170
1970-71 . . .	367	198	169
1969-70 . . .	394	231	163
1968-69 . . .	444	293	151
1967-68 . . .	477	268	209

The outstanding fact is that in the financial year 1971-72 the rate of applications approximated the highest number in all of the review years, and the rejection rate was significantly higher than the other years. The reasons for this were primarily the failure to reach the minimum entrance standards, particularly in regard to education and to a lesser extent physique. Although the reasons for rejection are known, the reason or reasons why a greater percentage of school-leavers do not apply for cadet employment is difficult to establish. In order to establish the reasons it would require an in-depth study to be undertaken.

Consequently in the absence of such a study the actual reasons are matters for conjecture. The recruiting campaign now being undertaken by the department is as intense as in other years and, in keeping with experience over the past years, the approved establishment is expected to be more closely attained with the enlistment of school-leavers at the end of this calendar year.

NOISE

Mr. WRIGHT: Will the Minister of Environment and Conservation have investigated a complaint concerning noise aggravation occurring at night and on weekends at the K Mart on Anzac Highway, Kurralta Park? I refer to a letter I received from a constituent regarding this matter, as follows:

I should like to comment on the noise aggravation occurring each night and most of the weekend from an industrial cleaner used by the cleaners employed by the K Mart opposite my flat. I have spoken to other people who live here and we are in unison about the general distress caused by the noise, which is so penetrating that, when I had visitors here last week, they complained about the noise and commented that they could not stand it. Like most people, I work hard for my money and pay a high rent and, when I come home from work each night and on the weekend, I like to have some peace and relaxation, but this is impossible with the disturbance going on for hours at a time. I realize that the area must be cleaned, but must everyone suffer while big business relentlessly pushes on regardless? If a private individual were to make only 50 per cent of the noise pollution that is created here, I am sure that police action or some other action would be taken. I hope that you can advise me in this matter.

The Hon. G. R. BROOMHILL: I shall be pleased to investigate the situation and to see whether any action can be taken to help the honourable member's constituent.

TOURISM

Mr. GOLDSWORTHY: Has the Premier a reply to my question of September 28 concerning finance available to the Barossa Valley Tourist Association?

The Hon. D. A. DUNSTAN: I am sorry, but I cannot find the written reply. However, I can tell the honourable member what the current position is concerning tourist subsidies. The Barossa Valley Tourist Association, which intends to establish a full-time tourist office with a salaried staff, would require about $10,000 a year. At present, the highest subsidy paid to a tourist office is the $2,000 paid to the Renmark tourist office because of the special facilities provided by Renmark for tourists coming to South Australia from other States. At Renmark such tourists are given initial advice on tourism in South Australia in a way that tourists generally are not given such advice at other tourist offices in South Australia. The Mount Gambier tourist office, which could conceivably otherwise conduct an operation of this kind, does not operate in such a way as to attract tourist subsidies, the undertaking having now been handed over by the council to a private enterprise organization. The general matter of tourist subsidies for country offices is being reviewed at present but, at this stage, until the review has been completed I cannot promise the honourable member that we could conceivably meet the amounts which the Barossa Valley tourist office would seek from us by way of subsidy. However, we are still examining the matter.

Mr. GOLDSWORTHY: Has the Premier a reply to my recent question about the selection of members for appointment to the Tourist Development Advisory Council?

The Hon. D. A. DUNSTAN: The council will comprise five members who have a high standing in the tourist industry. It is not intended to include a member specifically because of his country or regional affiliations. An announcement on the membership of the council will be made soon.

PARA HILLS EAST SCHOOL

Mrs. BYRNE: Will the Minister of Education again examine the need for an access road into the Para Hills East Primary School to facilitate the delivery of goods both to the

primary and infants schools and to the canteen? Having raised this matter previously, the last reply I received (on March 28, 1972) stated that a firm developing the area had moved in without prior notice in order to lay foundations on several allotments on Milne Road, from which road an entrance was being sought. Steps were being taken to acquire land, not yet subdivided, on the northern side of the school. The school committee has again contacted me, expressing concern about the position obtaining at this school. The letter I have received from the committee states that the only entrance that exists at present is from Caroona Avenue, but vehicles cannot reach either of the school buildings or the canteen from this entrance without travelling over the playground or grassed areas. As a result, school milk has to be left at the entrance to the schoolgrounds. A refrigerated milk shed has been built next to the canteen, but this cannot be used, as there is no road access to it. Further, goods destined for the canteen or either school building have to be carried some distance at great inconvenience.

The Hon. HUGH HUDSON: I will look into the matter.

DUNCAN INQUIRY

Mr. VENNING: Can the Attorney-General say whether the two detectives from the United Kingdom are still in this State working on the Duncan case? Members will recall that, following the unfortunate drowning that occurred, these two officers were brought here from overseas. However, as we have not heard what has been happening lately, I ask this question.

The Hon. L. J. KING: I will refer the question to the Chief Secretary.

COOBER PEDY ELECTRICITY SUPPLY

Mr. GUNN: Is the Minister of Works willing to have officers of the Electricity Trust investigate the power situation at Coober Pedy with a view to improving what seems to be an unsatisfactory electricity supply? I have been informed by several constituents that at present, as one generator has broken down, only a limited volume of power is available. Although I believe that this is through no fault of the operator, I understand that it has caused problems, and I should like to know whether the Minister would be willing to have the trust help out in connection with this unfortunate matter?

The Hon. J. D. CORCORAN: I will certainly ask the General Manager of the trust to have the matter investigated. I know that the trust has investigated the matter concerning the length of time permitted for either one or two people to operate the supply at Coober Pedy, and—

Mr. Gunn: It involved the franchise.

The Hon. J. D. CORCORAN: Yes, it was something like that. I will certainly have the matter checked; if the trust can help solve the problem by providing mobile equipment, and, indeed, if such equipment can be provided, I will ask that that be done.

BRIGHTON ROAD

Mr. MATHWIN: Will the Minister of Works arrange for the resiting of Stobie poles along Brighton Road? I understand that work on widening Brighton Road northwards from Dunrobin Road is to be commenced soon and that this will entail removing and resiting many Stobie poles. As at present many of these poles are sited on the corners of streets and are dangerous, I ask whether the Minister will consider having these poles, when they are replaced, sited away from the corners.

The Hon. J. D. CORCORAN: As I understand the situation, if widening a highway is involved the Highways Department is responsible for the cost of removing and resiting the Stobie poles.

Mr. Mathwin: The road is going to be widened, so the poles have to be moved, anyway.

The Hon. J. D. CORCORAN: If that is the case, it is not the responsibility of the Electricity Trust to resite the poles. However, I will have the matter examined and let the honourable member know whether, in fact, the Highways Department is involved and, if it is, I will refer the question to my colleague, who will, in turn, reply to the honourable member. The Brighton council may even be responsible for removing and resiting the poles, but I will check for the honourable member.

LABELLING

Mr. FERGUSON: Has the Minister of Labour and Industry a reply to the question I asked on September 21 about the labelling of garments?

The Hon. D. H. McKEE: Only one similar previous incident to that quoted as having been discussed on the radio has come to notice, and that was about six months ago. The tag on the garment showed "pure wool", but there was a smaller tag underneath which showed "acrylic fibre". Analysis of the garment by the Chemistry Department showed

the garment to be pure wool. When contacted, the manufacturer was unable to explain why the garment carried two different labels, other than the machinist must have picked up two tags at the one time, instead of one. No other similar cases have been reported. If additional detailed information can be provided further investigations will be made.

SUPERANNUATION REFUNDS

Dr. EASTICK: Has the Premier a reply to my question of September 21 about the refunding to bank officers, on their dismissal or resignation, of superannuation and provident fund contributions?

The Hon. D. A. DUNSTAN: Last week the Leader drew my attention to a letter that I had received from the Queensland division of the Australian Bank Officials Association in which a request was made that legislation be enacted which would ensure that any bank officer dismissed from his employment should have the right to the return of contributions that he had made to the superannuation fund conducted by the employing bank. The letter contained a clause from the superannuation trust deed of one of the private banks. I inquired of the Associated Banks in South Australia and received a report from the Australian Bankers Association which indicated that there were differing provisions in various superannuation schemes operated by banks relating to the treatment of contributions of dismissed employees, and the clause quoted in the letter to me was claimed to be not typical. Having regard to the differences in the schemes, I suggested to the Queensland association Secretary that his specific problem would seem to be better dealt with by approach to the individual banks than by seeking legislation to deal with the matter. I would add, for the information of the Leader and of the House, that the alleged weakness and unfairness in certain superannuation schemes certainly do not apply to the State Bank or Savings Bank, which operate under the Superannuation Act applicable to Crown employees generally, nor do they apply to the superannuation schemes of several private banks.

HOSPITAL BOARD MEMBERS

Dr. TONKIN: Has the Attorney-General a reply to my question about the fees paid to members of the Royal Adelaide Hospital Board?

The Hon. L. J. KING: My colleague states that the increase from $2,700 to $3,200 in the allocation under "Royal Adelaide Hospital Board Members Fees" represents an increase in allowances for members (other than the Chairman) from $1,350 to $1,600 per annum from July 1, 1972. No change in the format of the Royal Adelaide Hospital Board will be considered until after receipt of the report of the Bright committee.

SITTINGS AND BUSINESS

Mr. GUNN: I ask the Premier how long the House is expected to continue sitting this session, so that members may plan their activities during the next few months.

The Hon. D. A. DUNSTAN: I should hope that the session would end about the end of November, but at this stage it is not possible accurately to forecast when the session will end. That will depend on the time taken to consider measures to be brought before the House. An extremely heavy legislative programme is still to be accomplished before the end of the session.

HOSPITALS DEPARTMENT

Mr. GOLDSWORTHY: For and on behalf of the member for Heysen, I ask the Attorney-General whether he has a reply from the Chief Secretary to the honourable member's question about checks on financial matters in the Hospitals Department.

The Hon. L. J. KING: My colleague states that, for ease of reply, the question has been divided into two parts, namely (*a*) internal check of salaries and wages, and (*b*) mental patients' trust money. Regarding internal check of salaries and wages, because of the accelerated growth of Government hospital facilities, there has been a large increase in the number of staff under the control of the Hospitals Department. At present the payrolls involve about 10,500 personnel and these will continue to increase with the staffing of new hospitals. In addition, substantial changes have been made in the numerous industrial awards affecting all classes of staff employed in the hospitals. For instance, the nursing staff, until recent years, were in the main employed under conditions which did not provide for penalty payments other than overtime. The position in regard to them and other classes of employee has changed dramatically with the introduction of various penalty rates and numerous shift allowances. As a result, it became apparent that the pay system that had operated for many years would not be able to cope with all present-day requirements and that the whole pay system would have to be revised. A departmental pay committee

was formed for this purpose and, upon its recommendation, approval was obtained some time ago for the Hospitals Department to proceed with the development of a computer system to perform the full pay and associated records functions.

The Automatic Data Processing Branch of the department has now almost completed the final design of the computerized system, and investigating officers attached to the Accountant's Branch are well advanced in introducing at the individual hospitals new positive pay recording procedures suitable for computerization under which the working hours, penalty time, and allowances for all employees will be recorded and checked daily. In order to ensure that the additional internal checking work associated with the new procedures is performed effectively, the approval of the Public Service Board has been obtained for a reorganization of the staffing of the department's pay function, and several new positions are currently being advertised. Also, under the reorganization the preparation of the staff pay covering about 2,300 officers, including medical and paramedical staffs, is to be placed in a separate section to enable it to be progressively checked and then independently reconciled by another section. In addition to these manual checks, computerized reconciliation statements will be prepared for the wages and salaries of all employees, commencing with the Strathmont Centre and Whyalla Hospital early in 1973. The Hospitals Department is confident that the action it has taken will provide an efficient pay service to all hospitals and resolve the Auditor-General's query concerning the effectiveness of the internal check on wages and salaries.

Regarding mental patients' trust money, because of the efforts of senior officers in the Hospitals Department during the past two or three years, most of the patients in hospitals under the control of the Mental Health Services now receive Commonwealth pensions. This has resulted in a considerable increase in the amount of revenue received by the State for patients' fees and, at the same time, has placed more funds in mental patients' trust accounts. As a result, action was taken recently by the Hospitals Department to replace handwritten ledgers with mechanized accounting machines to cope with the substantial increase in moneys received at these hospitals. Two new accounting machines were received early in August this year and officers from the central office of the Hospitals Department have trained operators and the revenue officers concerned in the operation of the accounting machines and associated procedures. As from September 1, all patients' fees and trust account moneys have been posted and balanced on accounting machines. In addition to the introduction of mechanized accounting, with its inbuilt checks, regular monthly independent test checks, agreed to by the departmental auditor, are being carried out by officers attached to the Revenue Section in central office. The departmental auditor has been kept informed of progress with this operation.

DRUGS

Dr. TONKIN: Will the Attorney-General ask the Minister of Health how many offences involving the theft of drugs from pharmacies have been committed so far this year, compared to the number of offences committed in the same period last year? Further, will the Attorney ask his colleague whether there is any indication that the display in pharmacy windows of notices about the destruction of certain drugs has had any significant influence on these figures?

The Hon. L. J. KING: I will ask my colleague whether the displaying of notices has had any significant influence on the figures.

HILLS NURSERY

Mr. EVANS: Has the Minister of Environment and Conservation a reply to my question about transferring the nursery of the Woods and Forests Department at Belair National Park to the experimental orchard at Coromandel Valley?

The Hon. G. R. BROOMHILL: It is a fact that the Woods and Forests Department nursery situated at Belair is surrounded by the Belair recreation park. It is believed that the grounds of the nursery are attractive and are not of detriment to the park. Some consideration was given to transferring nursery operations to the Blackwood experimental orchard but these proposals were abandoned on the grounds of expense. It is of interest that the Belair forest reserve was dedicated in 1886 and dedication of Belair National Park took place five years later in 1891.

DRINKING DRIVERS

Mr. EVANS: Has the Attorney-General obtained from the Chief Secretary a reply to my recent question about drinking drivers?

The Hon. L. J. KING: My colleague states that, based on the number of persons currently coming under notice, the Police Department is purchasing three additional breathalyser units this financial year. This will

make a total of 11 units available in the department. Breathalyser units are available in the metropolitan area at any time during the 24 hours of each day, and random visits are made to various country centres. Consideration is being given to the placement of qualified operators of the units at selected country centres, on a permanent basis.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Forensic Sciences Building,
Hillcrest Hospital Admission Unit,
Port Augusta Hospital Redevelopment (Stage III).

Ordered that reports be printed.

LOTTERY AND GAMING ACT AMENDMENT BILL

Mr. BECKER (Hanson) obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936-1972. Read a first time.

Mr. BECKER: I move:

That this Bill be now read a second time.

When the Totalizator Agency Board was established in South Australia, it was thought that illegal bookmaking (or starting price or S.P. bookmaking, as it was known) would be eliminated. The general consensus of opinion originally was that the introduction of T.A.B. had curbed illegal bookmaking in South Australia. Unfortunately, during the past few years S.P. betting has flared up again not only in this State but throughout the Commonwealth. An article in the *National Times* of October 9-14, 1972, at page 34, states:

Can it be possible in this computerized era of the T.A.B. speedier tote service and promotion-conscious on-course bookmakers that your dear old starting price bookmaker still survives? Thousands of times—yes! And it may come as a surprise (or will it?) to the gaming squad, the T.A.B. and racing clubs to learn that not only does the S.P. industry survive, but flourishes handsomely.

Of course, the men we remember who used to operate in the back room of the corner greengrocer and take our five shillings each way, have long gone. In their place is the new-look S.P. man—running banks of telephones behind a registered but non-operative company front, catering for the gambling whims of big punters, and in many instances in Sydney, Melbourne and Brisbane particularly, openly promoting his business with printed brochures and "Rules and Limits" cards.

I do not think that S.P. bookmaking operates to that extent in South Australia, but it is common knowledge that S.P. bookmakers still operate here. It is well known that these people, who are often described as parasites on the organizations that conduct horse-racing, trotting or greyhound meetings, are operating widely, doing everything they can to encourage more business. That is why I think it is necessary to amend the legislation.

As far as I can tell, the penalties in the present legislation were provided possibly over 40 years ago. Therefore, I believe the time has come to review these penalties. Moreover, it is necessary to stress the importance of these offences by extending the penalties to provide for imprisonment. I will now outline the penalties that apply elsewhere in relation to these offences. In New South Wales, the penalty for first and subsequent offences of illegal bookmaking is a fine of not more than $200 or six months imprisonment. The same penalty applies to the offence of keeping a common gaming house. For illegal bookmaking, in Victoria the penalty for a first offence is a fine of not less than $500 and not more than $1,000, with not more than three months imprisonment. For a second offence, the penalty is a fine of not less than $1,000 and not more than $1,500, with not more than six months imprisonment. For subsequent offences, the penalty is a fine of not less than $1,500 and not more than $2,000, with not more than 12 months imprisonment. For the offence of occupying a common gaming house, the penalty in Victoria for a first offence is a fine of not more than $250 or three months imprisonment. For a second offence, the penalty is a fine of not more than $500 or six months imprisonment. For subsequent offences, the penalty is imprisonment for up to 12 months.

In Queensland, for illegal bookmaking the penalty for a first offence is a fine of not less than $200 or more than $400. For a second offence, the penalty is a fine of not less than $500 or more than $1,000, and imprisonment of 14 days or up to three months. For subsequent offences, the penalty is a fine of not less than $1,000 or more than $1,500, and imprisonment of 28 days or up to six months. Those penalties also relate to the offence of keeping a common gaming house. In the Australian Capital Territory the penalty for a first offence of illegal bookmaking is a fine of not less than $200 or more than $400, with imprisonment of three months. For a second offence,

the penalty is a fine of not less than $400 and not more than $1,000, with imprisonment of three months. For subsequent offences, the penalty is imprisonment of not less than three months and not more than six months. For the offence of keeping a common gaming house, the penalty is a fine of not less than $200 or more than $400, with imprisonment of not more than six months.

In the Northern Territory, the penalty for first and subsequent offences of illegal bookmaking is a fine of $200 or six months imprisonment, and the same penalty applies to the offence of keeping a common gaming house. In Tasmania, the penalty for a first offence of illegal bookmaking is a fine of $500 or three months imprisonment. For second and subsequent offences, the penalty is a fine of $1,000 or six months imprisonment. For first and subsequent offences of keeping a common gaming house the penalty is a fine of $400 or six months imprisonment.

In New Zealand, where no bookmakers are allowed and where only the totalizator system operates, the fine for a first offence of illegal bookmaking is a fine up to $1,000 or imprisonment of not more than one month. For a second offence, the penalty is imprisonment for not more than three months. For a third offence, the penalty is imprisonment of not more than 12 months. For a first offence of keeping a common gaming house, the penalty is a fine of not more than $200 or imprisonment for not more than three months. The penalties in the different States vary considerably, but I have included penalties in this legislation that are similar to those included in the Western Australian legislation which, I understand, has been successful. The Totalizator Agency Board has operated in that State for 12 years, and it is claimed that illegal bookmaking is almost non-existent there. In Western Australia the penalty for a first offence of illegal bookmaking is a fine of not less than $1,000 and not exceeding $2,000, or imprisonment for two months. Where the offence is the latter of the two offences constituted by this subsection, the penalty for a first offence in respect of that latter offence is a fine of not less than $200 and not exceeding $1,000, or imprisonment for one month. For a second offence, the penalty is imprisonment for not less than three months and not more than six months, and for a third or subsequent offence the penalty is imprisonment for not less than six months and not more than 12 months.

I turn now to the details of the Bill. Clause 1 is formal. Clause 2 amends section 42a of the principal Act (*a*) by striking out from subsection (1) "two hundred dollars" and inserting "one thousand dollars"; and (*b*) by striking out from subsection (1) "three months" and inserting "one year". Clause 3 amends section 75 of the principal Act by striking out "One thousand dollars, or imprisonment for twelve months" and inserting "For a first offence, one thousand dollars or imprisonment for twelve months. For a subsequent offence, two thousand dollars or imprisonment for two years". These amendments should provide a guide to the severity of offences and the opinion of Parliament in treating illegal bookmakers in this State. I hope it will help to completely eradicate this form of betting, and I commend the Bill to members.

The Hon. L. J. KING secured the adjournment of the debate.

MITCHAM ZONING REGULATIONS

Mr. EVANS (Fisher): I move:

That the Metropolitan Development Plan, Corporation of the City of Mitcham planning regulations—zoning, made under the Planning and Development Act, 1966-1971, on July 13, 1972, and laid on the table of this House on July 18, 1972, be disallowed.

The basic argument concerning this motion is similar to the argument in the motion referring to the Meadows planning regulations. Meadows and Mitcham are adjoining council areas, and the land causing most concern is the property known as Craigburn. However, I refer to one or two other matters by which individuals and Government departments have been affected, because there seems to be no way of solving the present problems except by amending the regulations. A letter I received from a land agent in this area emphasizing one or two faults states:

A few days ago we had an inquiry from a P.M.G. representative asking if we had land available which would be suitable for use as a telephone-exchange type of building, similar to the one at the northern end of Blackwood post office. Zoning regulations do not make such a provision in the whole area of Blackwood, Belair, Eden Hills, or Hawthorndene. With such an essential service as telephone omitted from zoning provisions (also hotel and many other civic amenities), it is our carefully considered opinion that the present regulations should be withdrawn entirely, and much more research done before the preparation of another zoning proposal.

That is an instance in which a Commonwealth Government department cannot find a site for a telephone exchange building in the suburban

area of Belair, Blackwood, Hawthorndene, and Eden Hills. I do not blame any person for the lack of the site, but this omission cannot be rectified until the regulations are amended. Parts of a triangular piece of land on the left side of the main Coromandel Valley road opposite the Methodist church have been used for commercial purposes for more than 50 years. However, the council, when rezoning the area, classified it as residential, although commercial enterprises still remain on it. Under these regulations they cannot extend their premises by more than 50 per cent. Some property owners who have approached me consider that this area should be a commercial zone.

Mr. Stronach, who is a land agent and has his business office on that property, owns the adjoining block on which he intended to build his future office. However, he has been prevented from building this office on land he owns. On a piece of land another commercial enterprise conducts a tyre service. Mr. Stronach gave evidence before the Subordinate Legislation Committee, which has been set up within the Parliamentary process to review subordinate legislation before it operates. It seems that this committee informed Mr. Stronach that he had a right of appeal and that he need not worry. Mr. Stronach told me that, after further investigation, he believed that he did not have this right and that he had been given incorrect advice.

Two lawyers are members of that committee —the member for Playford and a member of another place (Hon. Mr. Potter). Mr. Stronach sought further details and from the information he received, and from what he was told by the State Planning Authority, it seemed that he had no right of appeal. He sent a letter to the Subordinate Legislation Committee, and I now refer to that letter so that in future people may treat more cautiously advice given them by members of that committee. The letter states:

At the request of your committee I appeared before it to give evidence concerning the above-mentioned regulations. During this hearing I was advised by the committee of certain rights and appeals open to me by way of the Planning and Development Act. I wish to advise your committee that this advice was incorrect. I refer to my letter of August 10, in which I stated that the Planning and Development Act contains no provisions whatsoever for an appeal against zoning regulations. *Vide* South Australian Housing Trust and Quarry Industries v. State Planning Appeal Board. Case heard 1970. It is my opinion that your committee failed in its duty to establish the true nature of my appeal. I write this letter to your committee on instructions from my member of Parliament, Mr. Stan Evans, in the hope that you may give this matter further consideration.

The writer of this letter contacted me and I urged him to contact the committee and inform it that he believed that the advice he had received from it was inaccurate, and that he had evidence to prove that. These regulations have also affected the small industrial undertaking of a Mr. Hendry in the Hawthorndene area, which has rapidly developed residentially. Several years ago Mr. Hendry, after inquiry, received a letter from his council to the effect that he had no problems regarding the continued future use of his land for industrial purposes. He was assured that he would not lose any of his rights and, now that the regulations have been introduced, he is allowed to carry on his industrial pursuits in engineering but he is not allowed to extend in size his buildings by more than 50 per cent. In this way he has lost some of his rights, and little can be done about that other than the consideration of the payment of compensation to him.

I have used these examples to show how injustices can occur and, in this situation, the person involved does realize the difficulty of this situation. I have shown how these regulations can affect individuals, minority groups and other small groups that can be kicked and pushed around for the benefit of the majority. I should now like to refer to an aspect of these zoning regulations that could be altered to benefit the majority without adversely affecting minority groups, and this concerns recreational areas in the Mitcham council area as well as in the Meadows council area. The Minister has previously said that the Government will ensure that 40 per cent of the land in these areas designated for special uses shall be left for recreational purposes. However, the aim of the Government should be to obtain the whole Sturt Gorge as a green-belt buffer zone recreational area for that district. I do not believe the current policy is a real solution to the problem. I ask that, if the zoning regulations are disallowed by the House, plans and regulations be made available showing the 40 per cent of the area to be preserved. Surely this Government has the boundary of this area drawn. It is apparently a fictitious area. If 60 per cent of the area is to be available for development and the remainder is to be allocated for recreational purposes, surely we should define now the area to be set aside for

each purpose so that any person wishing to purchase land on which to build a home will know whether his block will overlook a natural landscape of vacant land, a housing area, a hotel, a school, or some other facility. I ask only that this area be defined. The Minister said that the Government could not afford to buy the whole area and, if we accept that, we should at least define the area that is to be retained.

The Minister's second reason for not acquiring that land was its unsuitability for recreational purposes. The Minister made that comment after a report on the suitability of the land as a national park had been submitted. However, I question the decision made and ask whether, if that land belonged to an individual who was prepared to make it available to the community for this purpose, there would not be press headlines saying that it was for a national park and that the Government appreciated the generosity of the person who had made it available. All members would be pleased to see such land dedicated as a national park. True, we have to make a responsible decision. I believe, however, that there is now sufficient money available to make this purchase, but will there be in the future? Will we have sufficient future control to save the property if the board of the Minda Home decides on future development or sale of the land? Will the Government have the power to refuse such an application? The land will be worth 10 times its current value and will still be too expensive for the Government to purchase.

I give full credit to Minda Home for the work it does for handicapped people in helping rehabilitate this minority group of citizens, and I believe that we should do nothing detrimental to that cause. Yet I believe that we should decide what is to happen to this area and, if we do not wish to acquire it as a whole, the regulations applying to it should be disallowed and the area containing the 40 per cent about which I am concerned should be defined. There may be merit in the decision to leave some areas for development on suitably sized allotments, perhaps of one acre or larger. Indeed, there is no doubt that in the Hills area we have allotments that are too small and in some cases too large for their owners to properly maintain. For example, at Bridgewater, many allotments are far too small and an aggregation of titles is necessary to produce suitably sized blocks for that type of environment. That subdivision took place in the 1880's, but even more recent subdivisions of 10 acres or 20 acres are too large for their owners to adequately maintain. Noxious weeds and pest problems arise and there is also a hazard from bush fires, although this hazard may be controlled to some extent if a current proposition to incorporate fire breaks comes to fruition.

These problems will continue to occur unless a system of compulsion, whereby landowners are compelled to ensure that their land is properly maintained in a fair state, is introduced. Such a system would ensure a proper balance for the people living in these areas. I believe that the Craigburn area, which is owned by Minda Home Incorporated, is so large that, if about 600 acres is to be established there for housing, there is merit in having larger blocks. We may find, of course, that the average man, who, as much as the rich man, may wish to live in and enjoy this environment, may be excluded from doing so, because of the cost involved. However, I believe that this would be detrimental to the area because, if it is at all humanly possible, the average person, just as much as the rich person, should be able to enjoy the pleasantness of an environment such as that existing in the Hills area.

Here, I wish to rebut a statement that the Minister recently attributed to me, namely, that his department had been over-active in the area and had bought too much land. I have never said that; in fact, I have tried to encourage the Minister and his department to acquire more land. The Minister knows the area, east of the national park, to which I have referred many times. The statement made by the Minister was inaccurate, although what he next had to say, namely, that I was concerned about the loss of rate revenue to councils, is true: undoubtedly, Hills area councils suffer much loss of rate revenue as a result of the existence of Government-owned property. It is not just by accident that the councils involved (Meadows, Mitcham and Stirling) have had to increase rates to a high level in order to try to survive economically; nor is it through bad management. I doubt that any council is managed better than is the Mitcham council.

Rates have been increased, because these councils carry a heavy burden through having to supply playing fields, playgrounds and recreation areas for people who dwell on the plains, yet these councils receive no benefits at all. This is the main reason why there is so much discontent about increased rates among people living in the Adelaide Hills.

Only a minority of the State's population lives in the Hills area, yet the people concerned have to pay excessive council rates in order to maintain playgrounds, etc., for the benefit of people living on the plains. I am sure that, if it were possible to get a consensus of opinion among people living on the plains about whether the Government should make grants to the councils involved, the people questioned on the matter would be sufficiently fair-minded to say, "Yes, we owe it to them." That is all one can ask for here. I do not use this as a basis for saying that the regulations should be disallowed: I think the need for recreation and open-space areas is recognized by every person in the community.

I believe we all realize that all areas such as the Belair National Park are already overcrowded and overtaxed and that as a result, the native bush in these areas is, to a degree, being destroyed. There is every justification for saying that we need many more recreation areas, and it is much more difficult to acquire properties for this purpose after houses and schools, etc., have been built on the land in question. The Minister today referred to an area in the Mitcham council district, the size of this area, I think, being about 70 acres. I refer to the Blackwood Experimental Orchard, which lies between Hawthorndene and Coromandel Valley. Although some parts of this land are quite steep, it is mainly undulating and one can say that it has been excellent agricultural land in the past. However, rates are not being paid on that land, and at present pine trees are being planted on it. Yet this is in the middle of a recreation area! What happens if there is a bush fire? Virtually the whole area would explode. If trees are to be planted, let us plant our own native eucalypts. However, that is another aspect of the zoning regulations that remains for the purpose of a special use.

An area at the foot of Shepherds Hill Road, which is referred to as the Shepherds Hill Reserve, has been zoned as a residential area, as have many other small reserves in the Mitcham area. The council zoned that reserve as a residential area because it believed that it was easier to classify it as such and, in the main, I believe that its judgment was sound. The council adopted the attitude that the land was situated in a residential area and, because it and other such areas were owned by the Government or a council, it was not likely that they would be subdivided and used for residential purposes. Indeed, I do not believe that any future council or Government is likely to start developing a housing estate on a recreation reserve; I am sure it would not do so, bearing in mind the climate of political thinking that exists at present.

Although I am not really saying that the council is at fault in this respect, I point out that people in the area have expressed concern about the matter, but I think they are unnecessarily concerned about it, for I do not believe that there is any real need to fear that the type of reserve in question will ever be developed as a residential area. In the debate on another subject, to which I will not refer here, I have made other points that need to be made in regard to seeking the disallowance of the Mitcham zoning regulations in question. In the main, the reason has been that we need as many recreation areas and as much open space as possible, and local residents desire to have that, if it is possible; they desire a second look at the overall proposition.

I recognize that the relevant plans were drawn up according to Acts of Parliament on the basis of the best information available to the council and to the State Planning Authority, as well as to Cabinet and Executive Council, which had to ensure that the regulations and plans were subjected to the necessary processes before reaching the stage of being considered in this Parliament (before they were gazetted and Parliament was asked to accept them). However, doubts have been raised about whether we should allow the regulations to operate at this stage, and I believe that members should feel deeply enough about the matter to say, "We will disallow the regulations and have a second look," everyone concerned then considering the areas of complaint. Once the regulations are in operation, they will operate for all time. It is easy to say, "Let us not worry about them. We will pass them. It is bad luck for the one or two who suffer or for the other points of view that have been raised or may be raised." However, it takes greater men to say, "Yes, it does need a second look. We are willing to do that, and let us do it." That is all I am asking. I appreciate all the work that has gone into the regulations and I admire the men in the councils, who have devoted their time to this matter and council matters overall, and then have to face a politician like me who has to suggest that the regulations be disallowed. I have moved a motion in all sincerity and I

ask the Minister to be willing to have a second look at the regulations before they become law.

The Hon. G. R. BROOMHILL secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (COUNCIL)

Adjourned debate on second reading.

(Continued from October 4. Page 1810.)

The Hon. D. A. DUNSTAN (Premier and Treasurer): I support this Bill. It is always pleasing to obtain converts.

The Hon. Hugh Hudson: Even if only from the Liberal Movement?

The Hon. D. A. DUNSTAN: Yes, even if only from the Liberal Movement and even if the Liberal Movement has motives that I may speak of soon. In my period in this House, several times I have been a party to moves to reduce the qualifying age for membership of the Legislative Council to that for membership of the House of Assembly, and, uniformly, members of the Liberal and Country League have resisted those moves. I cannot remember an occasion when we got one member of the L.C.L. to support us on these measures. Perhaps the member for Torrens will correct me on that, but I do not remember an occasion when even one member of the L.C.L. supported the Labor Party in trying to remove the special age qualification for members of the Upper House.

Mr. Rodda: I think someone is trying to take you over!

The Hon. D. A. DUNSTAN: I do not know about that, but I think there is something in the adage that, if you cannot beat them, at least join them. The honourable member who introduced this Bill roundly rejected a move by the Labor Party when it was in Opposition to act in this State to reduce the age of majority and the voting age to 18 years, on the grounds that it would be quite improper for us to do it here when it was not being done at the same time by the Commonwealth Government and in the other States.

However, now there are added reasons for his deciding to take an attitude different from that which he expressed when he was the Leader of the Government. As to the introduction of this measure at this time, one may speculate on whether the honourable member's motives and attitudes to certain members in another place may not have had something rather more to do with it than any great interest in the question of the qualifications of people 18 years of age to be members of that other House. Whatever the motive may be (and on this, of course, we may well speculate), nevertheless I can only say that this move is entirely in accordance with the views of my Party and, if we can obtain some votes from members opposite for a measure that has been clearly a matter of policy on this side, we are only too pleased to accept the honourable member's initiative.

We see no reason for any difference in age qualifications between those who are to become candidates and members of this place and those who are to be members of another place. In the past the L.C.L. has alleged that some special grounds of age and maturity are required for membership of another place and that it is not possible for members of another place to give that sage, experienced, and aged view of legislation without some special advanced aged qualification.

Mr. Mathwin: Do you call a man of 30 an old man now?

The Hon. D. A. DUNSTAN: Well, in present day terms, he is certainly not very young. I suppose that I, at the age of 46 years, am saying something about myself.

Mr. Mathwin: You're carrying your age well!

The Hon. D. A. DUNSTAN: The honourable member is being kind, as usual.

Mr. Rodda: You haven't been having a quiet word with Roger Bain, have you?

The Hon. D. A. DUNSTAN: No, that is not right. Whereas in Canada the eldest of the Provincial Premiers is 46 years of age, in Australia I am the youngest Premier, and I think that is a reflection on this country.

Mr. Clark: And you're the best looking, too, and I am not seeking advancement.

The Hon. D. A. DUNSTAN: At present a high proportion of the population is under 30 years of age, and it is an increasing proportion. Further, maturity occurs at a much younger age now than was the case when the framers of the South Australian Constitution regarded the age of the populace.

Dr. Tonkin: Not in everyone.

The Hon. D. A. DUNSTAN: Well, some people are old before their time. I do not consider that there is any basis for saying that people should not be members of this Legislature until they have reached the age of 30 years, and I do not see any virtue in the kind of imposed and supposed maturity that is required under the present provisions of the Constitution. I consider that each citizen of this country should be competent for his own government and, consequently, each citizen who has the right to vote in elections should

have the right to stand in those elections for any representative House in which he should have a say. In those circumstances, I applaud the introduction of this measure by the honourable member and assure him that it has my wholehearted support.

Mr. EVANS (Fisher): I, too, support the Bill. I think the Minister of Education intended to say something but decided to wait. As I have said before, when we consider the type of environment in which young people nowadays have to live, and the complexities of the life they must lead, those who are now aged 18 years, 20 years or 21 years are no more mature than were people in the same age group 20 or 30 years ago. These days there is much more that people, whether young or old, have to be concerned about. Many more restrictions are placed on the individual. In future, there will be more restrictions on the individual, for that is the penalty we will pay for an increase in population, when we will have to live in more densely populated communities.

However, I agree with the Premier and the member for Gouger that, Parliament having decided that the age of majority shall be 18 years, there can be no basis for arguing that there should be any other age limit on when a person may stand for Parliament. I do not think it really matters. I believe it would be most difficult for a person aged 18 years to win his way into the Upper House, whether as a representative of the Australian Labor Party, the Democratic Labor Party, or the Liberal and Country League, or some other fragmentation of it. It would be most difficult for a person aged 18 years, because there are always people a little older who aspire to get into the political field. At 18 years, a person may be still at high school or in his first year at university, so he would be unable to take on the necessary responsibility. Possibly one or other of the political Parties may endorse a person aged 18 years as a gimmick to try to win votes. I believe that at times Parties will go that far.

Now that the age of majority has been fixed at 18 years, I do not see any basis in the suggestion that, because the previous age limit in this legislation was 30 years, it should now be reduced to, say, 21 years or 25 years. Some countries have an age limit of 18 years in relation to voting for the Lower House, with a higher age limit with regard to the Upper House. In most cases, that higher age limit is 25 years. As an individual, I have concluded that, as Parliament has decided that the age of majority should be 18 years and as that has been accepted by society in relation to all matters except wages, I can find no argument to support the suggestion that the minimum age limit at which a person can stand for election to the Upper House should be higher than 18 years. Regardless of the arguments I have put forward in the past to try to keep the age of majority higher than 18 years, I support this Bill, because those arguments are baseless now.

Dr. TONKIN (Bragg): I, too, support the Bill. It is only right and proper that it should have been introduced, and I think the member for Fisher has summed up well the reasons for this. It is unrealistic now to have an age of majority applicable to everything except a person's ability to stand for election to the Upper House. This Bill simply rationalizes the situation. Although objections will be raised initially by some people, I do not think they will prove to be a source of concern. Any person of 18 years who can win election to the Upper House (or indeed to any House) will have to be an exceptional person. Although I admit that there are some exceptional young people aged 18 years, I doubt whether they will be able to obtain the necessary support to get into the Upper House, or indeed into this House.

As the Premier pointed out, young people tend to mature now at an earlier age. I point out that this is not just a question of some people growing old before their time; some people never grow up. I can see that the Minister of Education was tempted to interject, and I am glad that he was mature enough to resist that impulse. Some people do not grow up and, as a general rule, they will not have a hope of being elected, anyway. I think that, although some people may have an age in years, they do not have an age in maturity that will qualify them for election to either House of Parliament. I have great faith in the ability of people to choose their candidates. This is one of the reasons why I support the system in which candidates for election to Parliament are chosen by the majority of electors, having been chosen by the majority of members of the Parties they represent.

I believe that this is a most important principle, as I have great faith in the ability of people to choose the right candidate for the Party to which they belong. In some of

his remarks, the Premier was a little paternalistic and patronizing. I think he was disappointed that he was not able to take credit for introducing this Bill. Nevertheless, it is good to have his support and the apparent support of members opposite, because basically this is a matter of common sense.

Mr. GOLDSWORTHY (Kavel): I support the Bill. On this matter, my Party believes that members should have the right to make up their own minds. I believe that the age at which a person should be eligible to sit in the Upper House should be the age that Parliament has decided is the age of majority. I have said previously that I do not believe there is a compelling argument for reducing the age of majority from 21 years to 18 years. Since that matter was discussed last session, nothing has occurred to make me change my mind about it. However, once Parliament has decided on the age of majority, that should be the age that applies with regard to eligibility for sitting in the Upper House.

The question of maturity has again been canvassed. I am the first to concede that young people today are subjected to a greater range of pressures and influences than those which applied to most of us when we were their age. The pressures to which young people are subjected have been compounded, because of the increased mobility of the younger generation, the increasing impact of mass media, particularly television, and a way of life that has accelerated to a pace that is somewhat faster than the life we experienced as teenagers. However, I am not convinced that young people today are necessarily any more mature than young people were in the past. I speak from association with many senior students at high school in the 17 years and 18 years age group.

These young people are looking for guidance, leadership, and advice, the same as young people in any other generation. It seems that life has become more complicated for them, perhaps because we are willing to give them more freedom. When talking about maturity much depends on what is meant: we could be speaking of maturity of judgment or physical maturity. I am not convinced that young people of 18 years of age have reached the magic age at which they can make mature judgments on all issues confronting the community. However, as an age of maturity has been decided, I see no reason for not allowing these people to stand for election to Upper Houses of Parliament. Traditionally, Upper Houses carry an image of seniority, whether we are considering the House of Lords, the Senate in Canberra, or the Legislative Council in this State.

Mr. Jennings: It is often an image of senility!

Mr. GOLDSWORTHY: Government members and other people have tried to create such an image. If one examines the average age of members of the Labor Party elected to the Commonwealth Parliament and to other Parliaments, it is obvious that that Party is more prone than is the Liberal Party to endorse senior members to represent that Party in Parliaments. Upper Houses review legislation and give it further scrutiny, and they seem to have more time for mature study of legislation. The nature of Upper Houses gives them the image of seniority. As I consider that 21 years is the appropriate age to be eligible for election as a member of an Upper House, a condition that obtains in respect of the Senate in Canberra, the restriction to 30 years of age as a qualification for election to the Upper House in this State is an unrealistic condition.

This is my personal view, as my Party has not enunciated any opinion on this matter but allows each member to make up his own mind about this private member's Bill. I believe that the age of majority should be 21 years, at which people should be eligible for election as members of the Upper House. If Parliament decides that the age of majority should be 18 years, however, that is the age that should obtain for election to the Upper House. However, I am sure that political Parties will continue to endorse senior members for election to all Upper Houses, because a wide breadth of experience is necessary.

The Hon. L. J. King: Perhaps the member for Gouger may qualify.

Mr. GOLDSWORTHY: I think the honourable member may have other plans. I cannot gaze into the crystal ball and forecast his future: he may have it planned, but it is obscure to me. I believe that to consider any matter, whether legislative or otherwise, requires a wide breadth of experience, and it would be unsatisfactory to have young people as members of the Lower House while the Upper House was filled with older people. I do not think it would be right for all members of this House to be of the same age group. We need breadth of experience in both Houses. I have no motive in supporting this measure other than to give my own personal view.

The Hon. L. J. King: Are you supporting this Bill or are you supporting the member for Gouger?

Mr. GOLDSWORTHY: I will not be diverted by the interjection of the Attorney-General. The members of the Party to which I belong give their own views irrespective of whence a measure emanates.

The Hon. Hugh Hudson: I had the impression that you supported the Bill so long as it did not produce any members of the Upper House under 30 years of age.

The SPEAKER: Order! Interjections are out of order.

Mr. GOLDSWORTHY: I support the Bill because I believe that, once the age of majority has been decided and people are qualified to sit in the Houses of Parliament, they should do so. However, I consider that senior members of political Parties will continue to be endorsed as candidates for the Upper House, because that is a Chamber where a breadth of experience is required if legislation is to be considered with a mature scrutiny. Nevertheless, if a young person is considered by a Party to have the necessary qualifications to sit in the Upper House, he should have every opportunity to do so.

Mr. HOPGOOD (Mawson): I support the Bill, and there is very little more I want to say about it. However, the Bill gives me an opportunity to right a grievous wrong that I committed in this House in my first major speech, and I thank the member for Gouger for giving me this opportunity. In my speech on the Address in Reply on July 21, 1970, I referred to the problem to which this Bill addresses itself. Purely by accident I had the honour to be the first member to raise that problem in this Parliament. As was indicated by the Premier in his remarks earlier this afternoon, many members, especially on this side, have tried through the years to rectify this wrong. However, on that occasion I said:

> I stand here and find myself hoary with age, so old in fact that I could have been elected for a seat in another place. This is something that some honourable gentlemen present could not do at the moment. I refer to the members for Eyre (Mr. Gunn) and Playford (Mr. McRae) and certain other honourable gentlemen who have been considerable ornaments to this place down through the years who also would have been denied this at the time they were first elected to Parliament had they been elected to that place.

I went on to refer to the member for Mitcham who was 25 years of age when first elected, and also to the present Premier, who was 26. I referred also to the late Sir Robert Nicholls, who was 25 when first elected to this House in 1915; also Mr. Hawke, sometime Premier of Western Australia, who first graced this House in 1924 at the ripe old age of 23 which I understand is the record for youth; and the late E. G. Theodore, who was first elected to the Queensland Lower House in 1909 at the age of 24 and who after 10 years as a member became Premier of that State. I rounded off that story by recalling that Pitt the Younger was 24 years of age when he became Prime Minister of Great Britain.

Of course, the grievous error I committed on that occasion was to omit all reference to the member for Ross Smith, who was 28 years of age when he first entered this hallowed Chamber. I now take this opportunity of redressing that grievous wrong. I point out that my colleague the member for Ross Smith is part of that distinguished company and would have also been prevented from taking a seat in the Legislative Council at that time, because of his youth. As this Bill is an attempt to redress that wrong, it has my wholehearted support.

Mr. GUNN (Eyre) moved:

That this debate be now adjourned.

The House divided on the motion:

Ayes (8)—Messrs. Allen, Eastick, Evans, Ferguson, Goldsworthy, Gunn (teller), Venning, and Wardle.

Noes (32)—Messrs. Becker, Broomhill, Brown, Burdon, Carnie, Clark, Corcoran, Coumbe, Crimes, Curren, Dunstan, Groth, Hall, Harrison, Hopgood, Hudson, (teller), Keneally, King, Langley, Mathwin, McAnaney, McKee, McRae, Payne, Rodda, Ryan, Simmons, and Slater, Mrs. Steele, Messrs. Tonkin, Virgo, and Wright.

Majority of 24 for the Noes.

Motion thus negatived.

Mr. GUNN (Eyre): I support the principle of this Bill. I am rather amazed that I was forced to call for a division on whether or not this debate should be adjourned.

The SPEAKER: Order! The honourable member cannot reflect on a decision of the Chamber. He must refer to the Bill. The honourable member for Eyre.

Mr. GUNN: Thank you, Mr. Speaker. I believe that, if a person is entitled to exercise his right to vote for the election of a certain House, he should have the right to stand for election to that House. I am fully aware that in other parts of the world there are qualifying ages. For instance, I understand that one has to be 30 years old before one can nominate

for the American Senate. I do not really know whether that is a good or bad thing. Of course, it may be argued that a person, when he reaches the age of 30 years, for example, may be far more mature and have a much different outlook from that of a younger person.

The SPEAKER: Order! There is too much audible conversation. I cannot hear the honourable member for Eyre, and I do not know whether or not he is in order. I appeal to honourable members to listen intently to the debate.

Mr. GUNN: Thank you. I can assure you that I am in order; I am speaking directly to the measure, as is always my custom when I speak in this Chamber. I was trying to explain why sometimes people have considered it necessary to have a qualifying age. I personally would perhaps prefer to see the qualifying age be 21 years. However, I am willing to support the second reading and will consider amendments at the appropriate stage. Now that we have lowered the age of majority in this State to 18 years, I do not believe that the present provision is that important: I believe that we should be uniform in these matters and that if two age limits applied, one for this Chamber and one for the other, it would only confuse people. I have some doubts about the matter, though, as I believe that there is an ulterior motive for introducing the measure at this stage; I believe that certain publicity may have been the reason why the member for Gouger introduced the Bill at the time. However, I support the second reading.

Mr. McANANEY (Heysen): I, too, support the Bill. I recently said in this place that the best age at which one should enter Parliament was 35 years and possibly even 40 years, although at the time I was not denying a young man his rights in this respect. However, I still believe that 35 years is a better age at which someone should enter Parliament, having by then gained sufficient experience outside this place. However, if electors consider a person to be sufficiently responsible, let him have a go. One does not necessarily find that young people adapt easily to new and progressive ideas. I remember, as Chairman of a district council, when an old man of 80 years was grumbling during the first month or so that I was on the council but, within about two years, he was agreeing to my various suggestions. On the other hand, I have found that certain young people find it difficult to listen to new ideas, but I do not think that age counts: the person himself must be considered.

Dr. EASTICK (Leader of the Opposition): I support the Bill. I think it is only through an error that the measure was not included in legislation considered in previous sessions. I wish only to make clear my own position and that of some of my colleagues. It was our firm belief that, through the good offices of the Whip, this matter would be adjourned today, and it was only on that basis that a division was held on the question of the adjournment. I believe it is correct that 18-year-olds should have an entitlement in this instance and that this is not a matter for dispute in any circumstances whatsoever, unless there are arguments that were not raised by the Government when Parliament considered the overall legislation to reduce the age of majority from 21 years to 18 years. I rather suspect that there are, because only this week we have considered legislation that reduces the age for certain purposes from 21 years to 18 years.

The Hon. L. J. King: But this is a Bill to reduce it from 30, and that has nothing to do with the age of majority.

Dr. EASTICK: I suggest that the net result is the same. Regardless of what reduction is made, I see no reason why the matter could not have been considered earlier. I support the measure now and would have supported it then. However, the position that has unfolded in this place recently was confused only in respect of what action was to be taken on the Bill today.

Mr. MATHWIN (Glenelg): I make my position clear: I support the Bill. As many members have said, doubtless young people mature much more quickly now and have greater knowledge than was the case many years ago. I recall that a few months after I arrived in Australia, about 22 years ago, I visited this House and was then shepherded to the Upper House. At that time, there were some very aged gentlemen in that House but in recent times we have had more young people there, although that may seem to me to be the case merely because I am growing older. There are also in the community many intelligent people of good standing who are below the age of 30 years, and some of them, particularly those with Liberal ideas, would make good members of that House.

Mr. HALL (Gouger): I thank members for their contributions to the debate, and I understand from what they have said that

the Bill will pass the second reading. I also understand that no member intends to move an amendment, Therefore, I look forward to the passage of the Bill and its consideration by the Upper House. I hope that that House will consider it objectively, without imposing on it any personalities that may or may not be present in the political argument at present. I hope the members of the Upper House will forget who introduced the Bill in this House and that they will treat it as a measure from the whole House. If they do that, it may have a good chance of becoming law before this session concludes.

As I have said, I do not contemplate a rush of people below 30 years of age, in any particular age group, who want to become members of the Upper House. Preselection systems safeguard against frivolous occupancy of the important position of member of the Legislative Council and I am sure that those preselection safeguards will operate effectively to prevent an influx of members from any specific age group. I have pointed out that those under the age of 30 years cannot identify with any present member of the Legislative Council on an age basis. Obviously they would be represented by a person over 30 years of age. Further, there would be an age gap of 12 years between a person's being able to vote and his being able to be a member of the Upper House. It is common sense to take away the impediment and say "Good luck" to those who can win their way along the difficult path of politics to the Legislative Council.

Mr. Goldsworthy: Much depends on backing.

Mr. HALL: As the member for Kavel has said, much depends on whom they have backing them, and much may also depend on whom they back. I will not delay the Bill longer, as I know the Upper House wants to consider it soon. I ask members to vote for the second reading.

The SPEAKER: As this is a Bill to amend the Constitution Act and provides for an alteration of the constitution of the Parliament, its second reading requires to be carried by an absolute majority, and in accordance with Standing Order 298 I now count the House. There being present an absolute majority of the whole number of members of the House, I put the question "That this Bill be now read a second time".

Bill read a second time and taken through Committee without amendment.

Mr. HALL (Gouger) moved:

That this Bill be now read a third time.

The DEPUTY SPEAKER: As this is a Bill to amend the Constitution Act and provides for an alteration of the constitution of the Parliament, its third reading requires to be carried by an absolute majority, and in accordance with Standing Order 298 I now count the House. There being present an absolute majority of the whole number of members of the House, I put the question "That this Bill be now read a third time".

Bill read a third time and passed.

ADVERTISING

Adjourned debate on the motion of Mr. Becker:

That, in the opinion of this House, all Government and semi-government advertising should be placed with Australian and preferably South Australian owned and controlled advertising agencies.

(Continued from October 4. Page 1822)

Mr. GOLDSWORTHY (Kavel): I support the motion. I do not think anyone can argue with the sentiment behind it. Much lip service is paid to supporting local industry in this country. There is ample evidence to indicate that most of our advertising falls into the hands of United States agencies. The main reason I wish to speak in this debate is to refer to country newspapers, which represent a large section of this business that is much neglected. This week I received a letter from the proprietor of a leading country newspaper who drew attention to this motion. I know this man, and he and other representatives of country newspapers have pleaded with those of us who have some city contacts to try to have some measure of decentralization applied to this work so that these people, who do such a magnificent job in country newspapers, can benefit.

Mr. Allen: The Commonwealth Government gives them some work.

Mr. GOLDSWORTHY: Yes, it certainly does. We should pay more than lip service to the idea of decentralization and do our utmost to put business in the way of country newspapers. As a country member, I have had printing done by country newspapers, and I defy anyone to say that it is in any way inferior to work done by much larger printing concerns. I think this is significant. The member for Frome has spoken about this matter before. I think that I speak for him and other country members when I say that the Government should support the country

newspapers by giving them Government advertising whenever possible, and in this connection I am certainly not referring to material dealing with Party politics. The letter that I received from the proprietor of this country newspaper contained an extract from the South Australian Country Press Bulletin that showed the trend over the last couple of years in advertising in country newspapers. It states:

Members are probably aware of the almost continuous questions and answers on advertising being discussed in both the State and Commonwealth Government. In the State House of Assembly (*Hansard* pages 1295-8) the matter was discussed at some length, and the amounts expended on State Government were provided.

1970—$34,058 was the total given. 10,893 inches were used in country papers
1971—6,849 inches used in country papers.
1972 (6 months)—2,883 inches used in country papers.

The trend is obvious and is not accounted for by any large increase in charges levied by country newspapers. From my experience, I know that the charges levied for a column inch, and so on, have not varied greatly over the last three years. They have certainly not varied enough to justify this reduction in the amount of work being given to these people. The country newspapers do a magnificant job in bringing local and other news to country people, often supplying news more readily than it could be supplied by metropolitan newspapers. It behoves the Government to give the maximum amount of advertising to these people to help them to stay in business and to continue to perform the service which they perform now. As the proprietor to whom I have referred points out, there is a rapidly diminishing amount of advertising work going to country newspapers.

I do not think I need cover ground that has already been covered by previous speakers. I could make lengthy quotations from the report of the Senate Select Committee on Foreign Ownership and Control which deals with these matters and which has been referred to by other members. The tendency is for more and more advertising to fall into the hands of U.S. agencies because they have developed an expertise in this field. I believe that such expertise can be developed in Australia if we are willing to support local agencies by giving them the business that the Government can obviously give them. The Premier rather derisively referred to the Australian-owned Advertising Agencies Council as being small time (although they were not his words, that was the import of what he said). Any business concern will be small unless it is given more business, and the plea we make is that these agencies be given extra work so they may build themselves up.

In his remarks, the Premier pointed out that, by employing oversea advertising agencies, South Australia gained some benefits. He said that by using a U.S. agency with international contacts fringe benefits accrued to the Government. Such benefits must be weighed against the benefits that would accrue if the Government gave its advertising to Australian firms, because advertising is big business. In its submission to the Senate Select Committee, under the heading "Conflict of Interest", the council stated:

The employees of a foreign-controlled agency in the communications business and, particularly senior executives, must come under conflicting pressures. As Australians, they no doubt feel the normal casual pride that most Australians feel in their country. At the same time, they are working for a company which is foreign-controlled. Their personal ideals must at times be in conflict with the course they are instructed to follow from overseas. A very good example of a specific conflict of interest is as follows. It is the national policy to encourage Australian companies to find export markets overseas. This drive for exports would clearly be strongly promoted in the client's interest by any Australian-owned advertising agency, because it is strongly in the interests of both parties. It may be the means of the agency obtaining a foothold in another market, either alone or with an associate in the new market. However, a local subsidiary of a foreign advertising agency could not be expected to be so keen. If the foreign-controlled branch in Australia is able to persuade the client to venture into the export market, the promotions revenue will probably flow to New York or London rather than to the Australian office. This is because advertising for the client in, say, Malaysia or the Philippines or Japan is likely to be done by another branch of the same giant agency.

The Premier uses oversea advertising agencies, because he realizes the benefits that are available, but by supporting Australian and South Australian companies we would enable them to increase their expertise and do the job adequately. Our country press and agencies can cope with much more Government advertising, and I ask the Government to increase the advertising space in our country press in order to keep them in business and to support them in the magnificent job they are doing for the country people of this State.

Mr. RODDA (Victoria): This motion has been moved as the result of an approach made by Mr. Neate (probably to all members of Parliament, but certainly to the member for Hanson) in order to draw our attention to the

fact that local advertising agencies are not being used to any extent by the Government. Advertising agencies, as do other businesses, look to the Government for support, and the member for Hanson has asked for the recognition by the Government of a South Australian industry. The member for Bragg dealt adequately with the Premier's rebuttal of this motion. The firm Hansen Rubensohn McCann Erickson Proprietary Limited has apparently been responsible for Labor Party publicity and has circulated literature showing much expertise. The current phrase is "It's time", but perhaps that may not be appropriate in a few weeks.

When Sir Thomas Playford was Premier he placed much advertising with South Australian Country Newspapers Limited, and this was satisfactorily handled until the late 1960's when a new hand was placed on the reins of Government. As the member for Kavel properly emphasized, we said goodbye to decentralization and with that farewell went the spread of finance that had been doing such an excellent job for the people we represent. Recently, a learn-to-swim campaign was advertised and city newspapers and *Farmer and Grazier* (a rural publication) shared in the paid advertising for this campaign. However, country newspapers were informed that the campaign was to be conducted in various towns and were asked to provide free advertising space.

The member for Hanson has been attacked by Government members for his audacity in moving this motion, but it gives members the chance to show how country newspapers are being placed at a disadvantage by the lack of Government advertising. In his reply to the motion the Premier said that the Railways Department, the Electricity Trust, the Housing Trust, and the Lotteries Commission were departments that were advertised. However, no reference was made to the Education Department, although I understand that details of the advertising of this department were provided by a master of a technical college. The member for Hanson has drawn to the Government's attention the concern expressed by people operating country newspapers and those engaged in the advertising industry.

The Hon. L. J. King: This motion has nothing to do with country newspapers.

Mr. RODDA: It is all very well for the Minister to shy off this: he is a past master at dragging red herrings across the trail. At times I have appreciated his ability to do this, and I do not under-estimate his effort on this occasion.

The Hon. L. J. King: You have still to explain what this motion has to do with country newspapers.

Mr. RODDA: I draw attention to South Australian Country Newspapers Limited, which is an advertising agency in its own right. The member for Kavel gave figures on this matter when he spoke of the lack of space taken in country newspapers by the Government at present. I support the motion.

Mr. ALLEN (Frome): I, too, support the motion. During this session I have asked two questions in this House concerning advertising that I considered the Government should give to the country press. I first asked the Minister of Education what steps were taken to advertise the secondary rural scholarships and he replied that that advertising was given to the city press. I then asked why these notices were not published in the country press, and I received much the same reply. The Commonwealth Government contributes greatly to the South Australian country press. All Commonwealth loans are advertised in the country press and all advertising for the Army, Navy, and Air Force is published in country newspapers, which usually include an article on the subject advertised by the department concerned.

I refer to this matter because I know that city members will refer to city newspapers and advertising agencies and it is my duty, as I represent about seven country newspapers circulating in my district, to highlight the problems which they now face. I am continually asked by those who are involved with these newspapers why the present Government does not advertise in the country press. Country editors say they are inundated with press releases from the Ministers' press secretaries, but they believe that they cannot give space to these releases if the Government does not reciprocate and give them business in return. It is for that reason that many of the Government's press releases do not appear in the country press. If the Government gave more advertising to the country press it would find that its press releases received more prominence than that which is currently given.

The Government was recently asked what was the advertising cost regarding the enrolment of 18-year-old persons on the electoral roll. Although I have not the figure readily available, I know that only a poor response was obtained considering the sum spent by the Government. I believe that members of the public unintentionally overlook the country

press and, although they rely on it for local news items and for news of country functions, they forget that the country press relies on advertisements to keep it going.

Mr. EVANS secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (ELECTORAL)

Adjourned debate on second reading.

(Continued from October 4. Page 1830.)

Mr. CRIMES (Spence): I oppose this misguided and anti-democratic Bill. I believe that any small credibility it may have had has been destroyed by previous Government speakers in both Houses. However, I believe it to be my duty to add my efforts to the destruction of this Bill in the interests of the majority of people in South Australia. Were the matter not so serious (that persons we would normally regard as rational human beings were guilty of such an enormity), we could have logically greeted this Bill with gales of laughter. However, I believe that this Bill can be looked at as the symptom of the state of desperation in which we now find the Liberal and Country League and its enemy within, the Liberal Movement.

There is a tendency among many older people in the community to look back on earlier times with a feeling of nostalgia. They look on those times as the good old days, and they yearn to turn back the clock. I believe that this is the case in regard to the aging and creaking timbers of the old ship *L.C.L.*, and that, even if the Liberal Movement won out in its struggle within the L.C.L., it would only result in a situation in which a coat of paint had been applied to the old broken-down structure.

The good old days for which the Opposition yearns are obviously those days that had so much publicity in the past, and rightly so. I am referring to that monstrosity which was talked about with such opprobrium among democratic people: the gerrymander; the days of minority dictatorship; the days of the divine right to rule by that minority section of the community which supported the L.C.L. Happily, that monstrosity was cast aside by the people's pressure, which was born of Labor's continual revelations of the iniquity of the gerrymander. We have heard about proposals for reform within the L.C.L., but this Bill gives positive proof that the word "reform" as applied to the Opposition is a meaningless term. If there were a genuine will to reform, would we see this deliberate attempt to return in another garb the blackest blot that has ever appeared on the L.C.L.'s escutcheon—that blot of electoral injustice which was summed up in the word "gerrymander"?

Of course we would not have seen such a situation. If that will to reform is genuine, the Bill strips the Opposition of every pretence of its desire to reform and to atone for past L.C.L. sins. It also illustrates an over-weening fear that the time is coming when democracy will sweep into the Legislative Council as it has so fortunately for the people of South Australia swept into and through the House of Assembly. My heart lifted slightly, on reading the Bill, when I saw that it contained a provision for Legislative Council members to be elected by inhabitants of the State who were legally qualified to vote, but my hope was horribly dashed when I found that the Legislative Council elections were not to be held on the same day as that of House of Assembly elections. That provision reveals the class nature of this Bill, and I believe that that kind of class attitude can be expected from the place whence the Bill has come.

Presumably, Legislative Council elections under the provisions of this Bill could be held on an ordinary working day or perhaps on a Saturday when some special sporting or other attraction could capture the attention of many electors. It might be said that it would never be intended that the election of members of the Legislative Council would be held on an ordinary working day, but I consider that those responsible for a Bill such as this would be responsible for anything in order to achieve their aims. When one looks at the possibility of the election being held on a working day, one sees that it is easy for business men and property owners to get to the polls during the week. Perhaps they could shorten their golf afternoons in order to cast their votes! But the disabilities for workers are obvious, especially for those who have long distances to travel to and from their places of work.

We must remember, too (we have to look at this matter objectively in order to see things as they really are), that it is those in the community with the greatest wealth who are inevitably those who are the most class conscious and who have an attitude of "what we have we intend to hold and, furthermore, to get more if we can". Their desire in relation to Legislative Council elections as proposed in this Bill and to holding their positions of privilege would draw them to the polls like bees approaching a pollen-swollen flower. The Bill is aimed at ensuring that the requirements of a

small section of the community (those with the greatest stake of wealth in the community) will take precedence of the needs of the ordinary people of South Australia. That the Bill provides for voluntary enrolment and voluntary voting further reveals its hollow anti-democratic mockery. We have heard much from Opposition members about the horrible imposition we place on people when election days for the State are held. In other words, they object to the compulsory attendance of electors at the polls; yet from this Parliament come the rules, regulations, Acts and the requirements concerning the people in their everyday work and pleasure.

However, the Opposition would have a situation where people who have their lives ruled to so great an extent by what happens in this Parliament would not be asked even to make the gentle obeisance to democracy involved in attending a polling booth on the day of an election. But worse occurs under this anti-democratic Bill. The representation proposed for the Upper House is to be on a geographical basis: there is to be a division into metropolitan and country districts and, of course, as we would expect, there will be a heavy weight in favour of the country areas, where there are so many fewer votes. The factual enormity of the proposals in this Bill is revealed in the figures of last March: the metropolitan district would have an enrolment of 267,526, as against the enrolment in the rural district of 111,527 electors, a ratio of 2½ to one. It is not surprising that such a proposition gladdens and warms the hearts of Opposition members and of those of them who sit prettily in the Legislative Council.

The Hon. G. R. Broomhill: Prettily?

Mr. CRIMES: I have seen them on occasions, and most of them sit rather prettily. Perhaps some sit up because they are weighted more in front than behind. If we accepted this Bill, we would be returning to the Playfordian era with a vengeance. To ask this Government to accept a Bill such as this is to ask it to accept a position where the Government could attain office but could never achieve the real power required of it by an electoral majority. In other words, the Bill seeks to thwart the democratic will of the people in the same way as did the electoral system that was done away with recently.

If all this reflects the L.C.L.'s attempts at reform to give it the democratic facade desired by the Liberal Movement and its Leader, the member for Gouger, the Opposition may as well give away the game of trying to make it appear to be a progressive reform movement. The member for Torrens has said that the Bill introduces a new outlook and aspect. In fact, it seeks to turn the clock back. It is an attempt to revive the old Playfordian golden age of minority dictatorship by something new, and the only newness is the method proposed.

In truth, the Bill reveals neither a new outlook nor a new aspect. The general public opinion regarding Parliament and politicians in Australia usually is expressed in the terms that there are too many politicians and too many Parliaments, so this Bill flies in the face of public opinion by increasing the number of members in the Upper House. Time after time we hear criticism from the Opposition about costs to the State, but this Bill would impose heavy costs on the State by requiring two election days, with all the manpower and arrangements necessary for election days, whereas one election day would suffice. This Bill would also continue indefinitely such a system.

Opposition members claim regularly that the Legislative Council is a House of Review. The Leader of the Opposition has claimed that it is capable of having that next morning look at legislation that originates in the House of Assembly, but, if the Legislative Council is not a Party House, why was the L.C.L. and L.M. squabble introduced there? Everyone knows that the uproar of that squabble is affecting the Upper House as much as, if not more than, it is affecting the Opposition side in this House. I admit freely that there are shows of impartiality in the Legislative Council, which, incidentally, I always remember the late Hon. Ken Bardolph describing as a barnacle on the ship of progress. Frequently, on Bills with a heavy controversial Party content, some Opposition members vote with the Government, but the number is never sufficient to give the Government a majority.

Sometimes the Opposition in the Upper House supports an important Government Bill with fairly minor amendments, if obviously it has been claimed that there is mass public support for the amendments moved by that Opposition. The member for Kavel has said that he has had an honest look at the Bill and has reached an honest conclusion. I do not doubt that that it was an honest conclusion that the honourable member reached, but it was an honest conclusion according to his lights and desires and the

requirements of the Opposition. The conclusion was that it was necessary for some reason best known to the Opposition to deny the principle of government of the people by the people for the people. My honest look at the Bill has brought me to my honest conclusion that the Bill must be consigned to the realm of primitive, outdated, useless and reactionary things, and in accordance with that honest conclusion I repeat my opposition to the second reading.

Mr. MATHWIN (Glenelg): I support what I consider to be an extremely important Bill. I have always believed in the bicameral system of Government and always will do so. There ought to be such a system, as there is in the mother of Parliaments in the United Kingdom, with the House of Commons and the House of Lords. I also support the updating of boundaries for the Legislative Council. They were last altered when the boundaries of this House were changed before the last State election. We know (and members opposite have admitted this) that the Labor Party platform provides for the abolition of the Upper House. Members opposite are bound on oath. They are bound by the pledge in the book.

The Hon. L. J. King: Why didn't you stick to "on oath"? It would be just as accurate.

Mr. MATHWIN: That book contains provision for the abolition of the Legislative Council. If that happened, the Government would be all-powerful, with no redress available. It could pass any Bill it wished to pass as quickly as it wished. This was proved by the recent Bill dealing with petrol rationing, which was passed by amicable agreement of both Houses and both sides of both Houses. That Bill was passed in one day. If we had a one-House system, irrespective of whether the Government was Liberal or Labor, the fact remains that numbers count in this place. If there were only one House, the Government would be able to pass legislation quickly, no matter how bad it was for the community. In many cases the public could be caught unawares, if the Government desired this, as legislation was rushed through the House.

The Premier made great play about voluntary voting. He said that he had often said before that, if voluntary voting were introduced, those with the most money would be able to get people to the polls. That is a load of trash. However, if it came to the point of the Party with the most money getting people to the polls, I should say that it would be the Labor Party, which has far more money than the Liberal Party. The Labor Party has the backing of sustentation fees and levies, as well as backing from big business. We have heard of cases where businesses have sent out two cheques to the two political Parties, both for the same sum. Therefore, I cannot believe that the Premier means what he says about the Party with the most money getting people to the poll. If we are to talk about the rich party, we must talk about the Socialist Party opposite.

Mr. Keneally: In America—

The SPEAKER: Order! The honourable member for Stuart must not distract the honourable member for Glenelg, whom I ask to confine his remarks to the Bill.

Mr. MATHWIN: Much money is involved in collective bargaining in America, too. What the Premier should have said was that voluntary voting would make it much harder for members of Parliament, since members would have to prove themselves not only to members in this place but also to people in their districts. If members proved that they worked hard, they would be supported. As I have said before, I think that all members, irrespective of Party, try to do their best in this place for their districts. With voluntary voting, members would have to prove to the people in their district that they worked hard. If the Socialist Government really believes that it is doing a good job, it has nothing to fear from voluntary voting.

In the United Kingdom, the voluntary voting system has been successful over the years and has not favoured any political Party, as the Conservative Party and the Labor Party have both recently formed Governments. Issues and the performances of members decide which members will be elected. I know that there was a difference at the last election there when the vote of 18-year-olds put out the Wilson Government. This is a sore point with the member for Mawson. However, as voluntary voting has worked successfully in the United Kingdom, there is no reason why it should not work here. If I had my way, I would support voluntary voting for both Houses.

The SPEAKER: Order! I draw honourable members' attention to the fact that this is a Bill for an Act to amend the Constitution Act and to include in that Act provisions relating to the election of members of the Legislative Council, and for other purposes. I think that it is getting wide of the mark to discuss voting systems in the United Kingdom. Honourable

members must link up their remarks to the legislation before us.

Mr. MATHWIN: As this Bill deals with voluntary voting, I have been using the United Kingdom as an example of a country where such a system applies. The Bill also provides that elections for each House must be on a separate day. We cannot provide for a voluntary vote for one House and have the election on the same day as there is a compulsory vote election for another House, without making both votes compulsory.

Mr. Hopgood: Read Professor Butler's book on the last election.

Mr. MATHWIN: I have read books by the honourable member and listened to his speeches. He represents many people who come from the same country as I come from and, if he is not careful, he will lose his seat cold.

The SPEAKER: Order! The honourable member must not bring personalities into the debate.

Mr. MATHWIN: I apologize.

Mr. Hopgood: Are you still one of my constituents?

Mr. MATHWIN: No. The member for Spence spoke about the possibility of an election being held on a working day. I have not heard of that ever hapenning in South Australia but, even if it did, I do not think any hardship would result, because polling booths are open from 8 a.m. to 8 p.m.

The Hon. L. J. King: What about the people handing out how-to-vote cards?

Mr. MATHWIN: As most people work for only eight hours, they would have plenty of opportunity to vote, so the point made by the honourable member does not stand up. The member for Spence said much about democracy. However, I do not think it is democratic to force people to vote. I realize that, as long as a person goes to the polling booth, he does not have to vote. However, it is a shocking state of affairs to compel people in this way, and it is not my idea of democracy. I believe people should have the right to please themselves. If they wish to vote, they should have every right to do so under their own steam. If people are interested enough, they will vote. If the member for Spence is worried about the cost of holding elections on separate days, perhaps he would prefer to have Legislative Council elections held on the same day as local government elections, which also are voluntary.

The Hon. Hugh Hudson: Is that to assist the gerrymander in your council elections? Is that what you want?

Mr. MATHWIN: As the Minister well knows, there is no gerrymander in council elections. The only fly in the ointment in the Minister's district is the Minister.

The Hon. Hugh Hudson: I am not on the council.

Mr. MATHWIN: But the Minister does his best with those who are on it, particularly with his bombastic attitude. I suggest that, if the question of costs must be considered, the election could still be held on the same day as council elections. The honourable member referred to the lack of support given to Government Bills by the Legislative Council, but very few Bills have not been passed: many have been amended. to great effect. Last year's compensation legislation was amended in the Legislative Council to the great benefit of the public of South Australia. The honourable member's statement about how the Council deals with Government legislation is quite wrong. I support this important Bill, and it should pass through all stages without trouble. If the Government is sincere in its declarations about democracy, it will support the measure.

Mr. CLARK secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (COMMERCIAL VEHICLES)

Adjourned debate on second reading.

(Continued from September 27. Page 1636.)

Mr. PAYNE (Mitchell): I support the Minister of Roads and Transport, who opposed this Bill. I agree with the Minister that it has an excellent title: it is short and occupies one line, and I like the colour of the ink. On the grounds of simplicity, the title is flawless. We have reached the ludicrous position of debating this Bill, which will be displaced by many amendments which are to be moved by the member for Bragg, who introduced the measure, and which are more lengthy than the Bill. When introducing the Bill the member for Bragg gave as one reason for wanting to bring the speeds of commercial vehicles in South Australia into line with those prevailing in other States that it would bring about uniformity.

That is a reasonable reason, but he should speak to some of his colleagues, including his official Leader, who said last evening in another debate that he did not want to hear about what went on in other States. The Bill as

introduced by the member for Bragg proposes to increase the speed of commercial vehicles to 50 m.p.h. on the open road. I suggest that this is putting the cart before the horse: we should be tightening the braking requirements of heavy vehicles at existing speeds and introducing drastic improvements, such as load limits for classes of vehicles, which should be enforced. The present axle load requirements lead to very dangerous loading possibilities and cause many problems in this State.

The Government is aware of these and other hazards, particularly the lack of limit on driving hours in this State. What is needed is not a half-baked proposal such as the present Bill but a comprehensive approach to the problem of transport drivers and some transport firms in relation to the conduct of the business of long commercial haulage. In his excellent speech the Minister of Roads and Transport has indicated what is intended. He is discussing matters with various interested parties in order to arrive at a proper solution based on safety first: the safety of commercial drivers and other road users sharing the road, and allowable speeds commensurate with maintaining safety.

I do not think the member for Bragg would ask the House to believe that a heavy vehicle now restricted to, say, 30 m.p.h. would be as safe at 50 m.p.h. without the additional safeguards that I have outlined. The member for Bragg made an unusually short speech, but he referred to the points demerit scheme and its effect on some commercial drivers in this State. I have had some misgivings about the way this scheme could tend to have its greatest effect on transport drivers, because they are travelling on the road longer than are ordinary private drivers, and it is logical to assume that they are more likely to be detected committing a traffic offence as well as exceeding specified commercial vehicle speed limits.

In the past I have questioned the Minister on the basis of there being a possibility of drivers being able to cancel demerit points incurred, by attending at road safety training sessions and earning a sort of remission. Alternatively, alterations to another Act may be the solution, in order to allow magistrates to suspend licences for a period outside working hours. This could be the general rule rather than the exception, as it is now. I have also had discussions concerning points demerit, load weights, speed, and driving-hour requirements with Mr. Jack Nyland of the Transport Workers Union, because these are matters of vital concern to members of that union. After these discussions it is still clear that what the honourable member intends to do through this Bill is not of great benefit to members of that organization or conducive to improved road safety in South Australia.

This Bill came to us from the other place. I have heard much in this Chamber during the last two years about the value of having a second look at legislation, which members opposite claim is a vital feature of the Upper Chamber. An examination of this Bill leads me to agree with members opposite for the first time regarding the second look by that Chamber, because it is obvious that this Bill, which came from that other place, could have done with that second look by the members of that other place whence it originated because, if that had been done, it would not have been sent to this House. The Minister and the Government of which I am a member have a responsibility to the people of this State concerning road safety. This matter is far more important than attempts to cater to transport operators, who make more money by simply speeding up their turn-around. I believe that the consideration of improved road safety for the people of South Australia is far more important than this and, for that reason, I oppose the Bill.

Mr. RODDA (Victoria): I support the Bill, which sets out to correct an anomaly concerning drivers of heavy vehicles. There is widespread concern in the community about the limit of 35 m.p.h. imposed on these vehicles. I was interested to hear the member for Mitchell speaking, quite properly, about road safety measures. However, this matter concerns skilled drivers, with whom I drive at least twice a week. They are, in the main, the most courteous drivers on the road. Indeed, the limit of 35 m.p.h. creates a road hazard, especially on the Dukes Highway with its low-lying hills. It is only the plucky truck driver who will exceed 35 m.p.h. there, because the long arm of the law is continually watching him. I believe that more drivers have incurred six demerit points or more than have not done so. I have seen motorists speeding at over 80 or 90 m.p.h. and passing trucks on blind corners, and I am amazed that there are not more accidents. I find that it is difficult to travel from Naracoorte to Adelaide in less than four hours and, indeed, if one happens to strike a long line of road transport vehicles the journey may take five hours, as one has to spend much time coasting behind these vehicles. The problem arising from drivers' being

required to observe this speed limit is highlighted in the Bill.

One finds that the vehicles in question are generally extremely roadworthy. I recall some time ago attending a field day conducted by the Highways Department and, although I am not sure whether the present Minister of Roads and Transport or his predecessor (the Hon. Mr. Hill) was our host, we saw braking tests of heavy vehicles travelling at various speeds. We witnessed the effectiveness of the brakes of these vehicles, which were brought to a halt in a short distance. Arising from those tests, it was thought that we would be considering legislation recognizing a practical speed limit. However, time has passed and the Government is now in its third year of office, yet transport operators are still being fagged as a result of this 35 m.p.h. speed limit, which is unrealistic and which ignores a practical need.

The member for Mitchell said that this Bill was putting the cart before the horse. However, the Opposition is concerned about speed limits, as many of our constituents are involved. The policing of the existing requirement is extremely rigid, many drivers being apprehended by members of road patrols, and sad things are occurring in my district, where some people have incurred six or nine demerit points. One driver, who has built his house on a big income, has incurred 12 demerit points, lost his driver's licence, and is undergoing great stress. This man has lost his source of income and this affects not only him but also his family, yet he was doing nothing more than getting from point A to point B as quickly as possible. The present provision has created a real anomaly, to which I hope the Government will pay due heed. I seek leave to continue my remarks.

Leave granted; debate adjourned.

OCCUPATIONAL THERAPISTS BILL

Adjourned debate on second reading.

(Continued from October 4. Page 1830.)

The Hon. L. J. KING (Attorney-General): I said when I spoke to this measure on the last occasion that the Government's attitude was that, although it was recognized that occupational therapists should be registered, this measure had not received the consideration at departmental level that was needed and that, indeed, it was likely that, on a proper consideration, the registration of occupational therapists could be combined with the registration of members of other paramedical services, thereby rendering the provisions of the necessary machinery more economical and satisfactory. Certain detailed comments could be made about the present Bill but, in view of the Government's attitude, I think it would probably be unnecessary and perhaps even undesirable to make detailed comments on it at present.

As I said previously, this does not really arise until the completion of the current three-year course, that is, in 1973, when there will be ample opportunity to have the department consider representations by the occupational therapists concerning the Bill. There will be ample opportunity then for the precise form that registration should take to be considered fully, and no doubt in one way or another the Government will favour provisions for the registration of occupational therapists in due course. However, it is simply not practicable to deal with the matter at present or with the Bill in its present form. I therefore oppose the measure.

Dr. EASTICK secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 2. Page 502.)

The Hon. L. J. KING (Attorney-General): The measure seeks a further substantial increase in the size of the bank account, which may be withdrawn without probate or administration, over the amount fixed as recently as August, 1970, that is, when the sum specified in section 71 was increased from $200 to $1,200, and the sum specified in section 72 was increased from $100 to $1,200. There is really no valid reason for the proposal. The experience of the last two years has shown that under section 71 the present limit of $1,200 is, if anything, quite liberal, and few applications have come anywhere near that figure. The amount due to a deceased employee (apart from long service leave) is normally limited to pay and other allowances that would rarely amount to $1,200. The monetary equivalent of long service leave does not form part of the estate and is paid, on application, without limit as to amount to the spouse, pursuant to the Public Service Act.

I think that there are really two difficulties concerning the proposed amendment to section 72: one is that it would put the Administration and Probate Act out of line with the provisions in the Succession Duties Act concerning the amount which may be administered without a succession duties certificate. It would be unnecessary and undesirable to open up the

succession duties area at present. Therefore, it really cannot be dealt with in this way. I think that the matter must be considered with the corresponding provision in the Succession Duties Act, and it is appropriate that it should be dealt with when that Act is again being considered.

I think it also important to remember the purpose for which we require probate and administration to be taken out. It is easy to say, "Let us increase the amount that may be withdrawn without probate or administration." However, probate and letters of administration are required to be taken out and produced to the holder of the asset as a protection to those who are entitled to benefit under the estate. It is the way in which we protect the beneficiaries in an estate from some person who may withdraw the money and not account for it as required by the will of the deceased or by law in the case of an intestacy.

Mr. Venning: It's only on the machinery side, isn't it?

The Hon. L. J. KING: Yes, but it has the practical effect that, if an administrator or executor who is charged with administering the estate according to law is not the person who withdraws the money, there is no certainty that the beneficiaries will ever see the money. The reason why it is necessary to take out probate and administration is that it is necessary to ensure that the money gets into the hands of a lawful executor or administrator who has the legal duty to dispose of it according to the will or according to the law of intestacy.

Another aspect that must not be overlooked is the question of succession duty evasion, because the possibility of withdrawing money from bank accounts without probate and administration, particularly when a succession duties certificate comes into the matter, opens up the possibility of evasion on quite a large scale. It is easy for a person to open several bank accounts, deposit money in them, and inform whomsoever he wants to have that money after his death where the bank accounts are and how to draw the money out. In that way, it can be done without ever coming to the knowledge of the Commissioner of Succession Duties. When the limit that can be so withdrawn is reasonably low, this is not a serious problem, but if we allow a limit of $2,500 and if a person opens, say, six bank accounts, we are getting into big money. Therefore, for many reasons it is necessary to approach with caution the idea of increasing the limit on the amount that may be withdrawn without production of probate and administration. For those reasons, and some others that I could go into, I oppose the Bill.

Mr. GUNN (Eyre): I strongly support this measure, because it is a long overdue step in the right direction. Anyone who has had experience of or involvement in estates and the hardships that can be caused to people overnight will realize that. When a person dies unexpectedly and, as in many cases, has not had the opportunity to organize his affairs in any way that will give any protection to those he leaves behind, those left can be penniless and without a chance to carry on. People who have been left without any cash with which to carry on have spoken to me about this problem.

A joint account may have in it a large sum of money or only a few hundred dollars. As the Attorney knows, those accounts are frozen immediately and the person left must then open a special account, borrow money, and pay interest on it. At present the amount that can be advanced is $1,200 and, whilst that may seem to be a substantial amount, I consider that, on today's values, $2,500 is a far more realistic amount. The Attorney has said that a person can open six or seven savings bank accounts.

The Hon. G. R. Broomhill: How many have you got?

Mr. GUNN: As usual, the Minister of Environment and Conservation has made one of his snide, illogical, and typically socialistic interjections. They are completely unrealistic interjections. I am not concerned about how many accounts the Minister or any other member has. That is purely a personal matter, and the Minister would do himself and the House a service if he kept the debate above personalities. If the Minister wishes to speak on this motion, we will wait hopefully for his speech. I was trying to reply to the statement by the Attorney that a person could open six or seven accounts from which a large sum of money could be withdrawn. The first question is how many people would have $2,500 in six accounts.

The Hon. L. J. King: Then, they don't have to worry much about succession duties.

Mr. GUNN: If the Attorney is so concerned, I suggest that a suitable amendment could be moved to solve the problem.

The Hon. L. J. King: Would you like to frame it for us?

Mr. GUNN: I ask leave to continue my remarks.

Leave granted; debate adjourned.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (HOMOSEXUALITY)

Received from the Legislative Council and read a first time.

MARKETING OF EGGS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HIGHWAYS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CIGARETTES (LABELLING) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

In Committee.

(Continued from October 10. Page 1945.)

Clause 6—"Interpretation."

Mr. COUMBE: I move:

In the definition of "employee" to strike out paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*), (*h*), (*i*), and (*j*), and insert "any person employed in any industry whether on wages or piece-work rates, and includes any person whose usual occupation is that of an employee in any industry, but does not include any spouse, son or daughter of his or her employer or any person or persons of a class prescribed as not being an employee for the purposes of this definition:"

The purpose of the amendment is to clear up the definition of "employer", which is at present wide and far-reaching. Having stood the test of time, it covers nearly everyone who could be classed as an employee. Indeed, in his second reading explanation the Minister said that some of the people encompassed by this definition are not really employees. For example, paragraph (*c*) seeks to bring owner-drivers under the definition of "employee". My amendment will ensure that this does not occur. Such a person can carry goods for several people in one day or for only one person for the whole of a day, or he could carry goods for one person on a trip and backload for another on the return journey. How, then, would he fall within the definition of "employee"?

The Minister is obviously trying to catch the person who carts for an extended period for one client. However, as the provision stands it is unsatisfactory. The member for Gilles, for instance, could own a five-ton truck and could be engaged by the member for Ross Smith to carry goods for him from, say, the latter's home at Prospect to Christies Beach. On arrival there, he could be engaged by the member for Mawson to carry goods to the South-East for the member for Mount Gambier. To whom is the member for Gilles liable, and who is the employer in those circumstances? This illustrates what could happen. One must also consider how such a carrier would give himself sick leave under the provisions of this Bill.

I refer also to persons employed on building work. I listened with much interest to the debate last night, the only reference to this aspect being a passing one by the member for Playford, who said that we should try to catch the shonky subcontractor. However, if one examines the Bill carefully one finds that it catches all people, and subcontractors are not employees. The Minister, who may have done subcontracting work in his time, has said, in effect, that subcontractors are not strictly employees under the present law. I refer members now to the definition of "employer".

Mr. McRAE: On a point of order, Mr. Chairman. Is the Committee to assume that the honourable member is to be allowed to deal with these amendments under the general heading of clause 6 as though they were a block of amendments, or is he to move each of the four amendments, proposed under the general heading of clause 6, *seriatim*?

The CHAIRMAN: The honourable member for Torrens must confine his remarks to the amendment he has moved. I will not allow him to deal with the whole of this clause, because at this stage we are not dealing with the whole clause: we are dealing with the honourable member's first amendment.

Mr. COUMBE: I agree. I was directing attention to the fact that, in looking at the definition of "employee", we should consider the relevance of the next definition. I refer to paragraph (*f*)—

Mr. McRAE: On a point of order.

The CHAIRMAN: I have ruled that at this stage we are dealing with the first amendment moved by the honourable member for Torrens, and this will be the only matter considered by the Committee at this stage.

Mr. COUMBE: I refer to paragraph (*f*)—

Mr. McRAE: On a point of order. I point out that the amendments that the member for Torrens has on file in relation to this clause are separate. You have given a ruling, and I ask that it be maintained.

The CHAIRMAN: My ruling is that the whole of the amendment moved by the honourable member may be considered at this stage.

Mr. COUMBE: Paragraph (*f*) defines an employee as follows:

(*f*) a person who is usually employed for remuneration in an industry or who is usually engaged in an occupation or calling specified in paragraphs (*b*), (*c*), (*d*) or (*e*) notwithstanding that at the material time he is not so employed or engaged.

Having referred to the people who are supposed to come under this definition of "employee", this paragraph then adds "notwithstanding that at the material time he is not so employed or engaged". Does that mean that he is not working? How will this affect an owner-driver? How will he claim for his sick leave or for other conditions specified in the legislation? This provision is ludicrous: it simply will not work in practice. The wording of my amendment is taken from the old Industrial Code and embraces all persons who could logically and correctly be deemed to be employees. It refers to any person employed in industry, and I agree with the definition of "industry" included in this Bill.

However, as it is presently drafted, the Bill will bring into its ambit people who are not really employees in the strict sense. The fact is that its provisions will make an effective end to subcontracting work as we know it. As the incentive of people in the building industry will be dried up, this could immediately cause a substantial increase in the cost of house building. I know about the Government's avid hatred of the subcontracting system, which was noticeable during the time of the Walsh Administration when the first moves were made against this type of work. No reason at all has been given for this provision. In fact, the only reference to it was when the member for Playford spoke about catching shonky (that is his term) subcontractors. We have been given no valid reason for this provision. The definition in the Industrial Code has stood the test of time and will embrace those people who should rightfully be called "employees".

Mr. McRAE: That argument deserves only a brief response. The definition of "employee" in the Bill clearly indicates that he must be employed full-time. The nonsense spoken by the member for Torrens, unusually for him, indicates the weakness of his case. We are seeking to cure the evil of the so-called "subcontractor", which was well known to the member when he was a Minister. Some people employ persons in a *bona fide* capacity and pay them award wages. The shonky operators choose to call persons who work for them "subcontractors" and pay them well below award rates as a way not only of cheating them but also of undercutting their own competitors.

There are no difficulties about sick leave or annual leave. There is no question of the person we are looking at shifting from one employer to another in the course of an hour, a day or a week, because the definition states "in a full-time capacity to perform carrying work for another person". This system has been in operation in New South Wales for the last 20 years to deal with shonky operators in the transport industry, including the carriers of milk and the carters of bread. The member for Torrens knows how often a person who supplied nothing else but his labour in the building industry was cheated by his contractor, who was at all times his real employer. All the difficulties mentioned by the honourable member are merely red herrings drawn across the trail. The definition in this clause is appropriate and self-evident; it does not produce any collision inside the Bill. The hypothetical cases given by the honourable member are garbage and have nothing to do with the point at issue.

Mr. MILLHOUSE: I support the amendment. In his effort to oppose it, the member for Playford has admitted that the aim of the new definition is to get rid of subcontracting, but he has preferred to dwell on what he calls the shonky operators, who are a minority. I do not deny that there are shonky operators, for we find them in every walk of life. Not only would this definition catch that minority but also it would put out of business people who wanted to strike out on their own and get on in the world, those people being the great majority. They want to lift themselves out of the rut.

Dr. Eastick: People who show initiative.

Mr. MILLHOUSE: Yes. They are the people who predominantly will be injured by this new definition. We know why the Labor Party wants it: it will mean more trade unionists and more employees whom it can dragoon into the unions. Today, the numbers in the trade unions are falling, and the Labor Party wants to do something about it. I am

utterly opposed to the clause as it stands. I have noted the sort of people it will affect—taxi-drivers, taxi-drivers owning their own vehicles, building subcontractors, and so on. I see no reason why those people should be forced into the status of employees; but that is what this definition will do.

Mr. CRIMES: The taxi-driver owning his own vehicle or the driver owning his own truck is different from an ordinary employee but, fundamentally, the position is the same as that of a carpenter covered by an award who supplies his own tools and receives a special allowance for that. I see no difference between that class of employee and the class of person that this Bill rightly states shall be regarded as an employee.

Mr. GUNN: I strongly support the member for Torrens and the member for Mitcham. The red herring that the member for Spence has endeavoured to draw across this discussion is laughable, when he compares a taxi-driver owning his own vehicle to a carpenter owning his own set of tools. The taxi-driver who owns his own vehicle is his own master: he decides when he will drive it and when he wishes to conduct his own business. However, if the carpenter is employed on a job, he is engaged mainly on an hourly basis, so there is a basic difference there. I believe that the amendment introduces logic into the Bill. The Government intends to smash the subcontractor. Members of the Builders Labourers Federation, headed by a member of the Communist Party—

The CHAIRMAN: Order! At this stage I refer all honourable members to Standing Order 156, which will prevail during the Committee stage of this Bill.

Mr. GUNN: Obviously, this clause has been included in the Bill to smash people who have initiative, who are trying to get on in the world, and who believe that they have a right to choose their own way of life. Because this clause seeks to impose a doctrinaire policy on such people, I support the amendment.

The Hon. D. H. McKEE (Minister of Labour and Industry): The following is the definition of "employee":

"employee" means—

(*a*) a person employed for remuneration in any industry;

(*b*) a person engaged to drive a motor vehicle, used for the purposes of transporting members of the public, which is not registered in his name;

(*c*) a person who is engaged in a full-time capacity to perform carrying work for another person or body whether corporate or unincorporate and who for that purpose uses his own vehicle;

Members opposite have, without justification, accused the Government of trying to eliminate the subcontractor. The member for Torrens admitted that he had been engaged in subcontracting work, but no doubt he ensured that he subcontracted for people who would pay a fair price. The honourable member was no doubt able to bargain for that price, but I remind him that many subcontractors have been exploited and have had to work for up to 100 hours a week and, even then, have not received earnings equivalent to the living wage. Because the Government is trying to protect such people, I oppose the amendment.

Mr. EVANS: What is the definition of "full time"? If a man works for five days a week on a tip-truck and then works on Saturday mornings by doing general carrying for another group of people, is he working full time or part time?

Mr. MATHWIN: I support the amendment. I sincerely believe that the clause is an attack on subcontracting which, whether the Minister likes it or not, has been and is the backbone of the building industry of this State. I can speak with some authority on this matter, and I should like to know what is wrong with the present position. The member for Playford said that the Government was against shonky operators, but I assure the honourable member that such operators are in a minority.

The CHAIRMAN: I again refer honourable members to Standing Order 156. I will enforce that Standing Order if there is repetition by one honourable member after another. I warn all honourable members of what I am going to do.

Mr. MATHWIN: I support the amendment because I myself was a subcontractor.

The Hon. D. H. McKee: Why did you cease being a subcontractor?

Mr. MATHWIN: I ceased being a subcontractor because my firm became bigger and I was able to obtain another type of work. Because I was successful, I was able to leave the Commonwealth hostel where I was living and build a house in Seacliff.

The CHAIRMAN: Order! I warn the honourable member for Glenelg. We are dealing with the Bill in Committee. Further, we are dealing with an amendment moved by the honourable member for Torrens, and honourable members must not make speeches that should have been made during the second reading stage. The honourable member for Glenelg.

Mr. MATHWIN: I support the amendment. The term "subcontractor" has not been defined. A subcontractor submits his price for a job, and he is paid that price after he has done the job. If he is silly enough to price a job incorrectly, he will soon learn his lesson. That is the definition of "subcontractor", and I think the present Act covers it adequately. I have not heard any argument from the Government that this is not so.

Dr. EASTICK (Leader of the Opposition): I expected the Minister to give his interpretation of "full time", which is not defined in the Act. One could assume it to mean a 40-hour week or full employment on a certain day.

The Hon. D. H. McKee: That's right; it's only common sense.

Dr. EASTICK: It is not as simple as that. The next point is whether the person and body in the context of paragraph (*c*) are singular or plural. I seek that information so that I can ascertain whether we are dealing with a person who is employed by one person or one body for a whole day or for a full week.

Mr. COUMBE: I am aware that the words "full-time capacity" are in the clause, but the Minister gave the game away when he said that it could be a day. Therefore, an owner-driver could work full time for a person for one day, work full time for another person the next day, and work full time for another person the following day, but how does the Act apply? As this section will not work in practice, I warn the Committee that there will be trouble, and it reinforces my views that my amendment should be carried. As the provision in the existing Act is all embracing and has stood the test of time, it should remain on the Statute Book.

The Hon. D. H. McKEE: The member for Torrens should join a repertory society; he is over-acting, but his acting is only of amateur standard. He referred to specific categories and I said, "Yes, that is it," but he went on to say day to day. If the member for Torrens cannot understand paragraph (*c*), I believe it is useless for me to try to explain it to him. He is trying to drag red herrings across the whole matter, and is even trying to convince himself. He wants to have these people slaving and working on as small a margin as possible. These people probably have the highest bankruptcy record in this State and in the Commonwealth. We are trying to protect them: that is the purpose of the Bill.

Mr. COUMBE: I object to the Minister's saying that I was promoting slavery; I find that statement reprehensible. The Minister tried to make great play but he evaded the issue of what full-time capacity is. All we can work on is common usage, but that is not good enough, because we are dealing with a Bill which, when it becomes law, will be used by the courts in the interpretation of the legislation.

The Hon. D. H. McKee: Don't you trust the courts?

Mr. COUMBE: Really!

The CHAIRMAN: Order! There must be only one speaker at a time. The honourable member for Torrens.

Mr. COUMBE: In debating circles it is a wellknown fact that when you do not have a case and cannot answer, you turn to abuse, and that is what I am receiving from the Minister. The legislation must be as word perfect as possible; it may have to be amended later, but let us try to get it word perfect now. My amendment should be carried.

Mr. CRIMES: We must forget this person who we think is rightly termed an employee, because the only difference between him and the owner-driver is that the owner-driver owns a vehicle. Surely full-time employment means that a person hired on a weekly basis and paid on a weekly basis receives penalty rates if he works for the same employer at the weekend. If he is employed full time for one or two days or for several hours, he can be dealt with in the same way as any other ordinary employee and he receives loaded rates to cover sick and annual leave. There is no fundamental difference between this type of employee and an ordinary employee in industry.

Dr. EASTICK: I suspect that the Minister retracted his earlier assurance that employment for one day was the equivalent of full-time employment, yet the member for Spence has said that it could be employment for one or two days or several hours on a day. Are we to believe the Minister, or the member for Spence?

Mr. EVANS: When matters reach the courts, an interpretation is given down to fine detail and, possibly, the result could be the reverse of what the Minister wants to do. If the court interpreted the provisions to mean that a person who worked 40 hours in a week for, say, Quarry Industries Limited and worked for someone else on Saturday morning was not working full time for Quarry Industries Limited, that person may lose the benefits that the Minister is trying to give him. I am also concerned about the reference to shonky operators or shonky employers. There are

doubtful people in all professions, but they are a small minority. Many people start at the bottom in the building industry, many having nothing to lose at that time, and work their way up to become contractors or subcontractors.

The Hon. D. H. McKEE: I think members opposite are purposely avoiding the true interpretation of the Bill. It refers to a person engaged to drive a motor vehcile which is used for the purpose of transporting members of the public and which is not registered in that person's name. Then we have a person who is a contract owner-driver for a council and who, because of weather or for some other reason, may not drive for the whole week. Again, his vehicle may break down. He may drive on a temporary basis, but his rates are fixed in a similar way to that in which a court, in an award, fixes wages. Anyone in this category is protected. Surely it should be left to the common sense of the court to decide who would be covered. If members opposite suspect the court, let them say so.

Mr. BECKER: Is it correct that, if an owner-driver working for a council does not work, he is not paid?

The Hon. D. H. McKee: In most cases, he may not be.

Mr. McRAE: After leaving what I had hoped would be a short discussion on what is, after all, a very rubbishy point put forward by the member for Torrens—

Mr. GUNN: I take a point of order. I take exception to the reflection that the member for Playford has cast on the member for Torrens and I ask for a withdrawal.

The CHAIRMAN: I cannot sustain the point of order.

Mr. McRAE: I was referring not to the member for Torrens but to his argument. I was going to say that, unlike his normal advocacy, it was a rubbishy point. The question of full-time employment is something that the court, in its discretion, has to fix. Working for a half a day or a weekend has nothing to do with the matter. The court has a wide discretion to decide the various types of employment.

Mr. GUNN: Would every owner-driver employed on contract by a council be classed as an employee, in terms of clause 6?

The Hon. D. H. McKEE: Yes.

Mr. BECKER: The owner-operator is a person who owns and uses his own vehicle. Can the Minister say how the rates and hours of work of an owner-driver, who is a contractor, can be fixed?

The CHAIRMAN: Once again, I refer to Standing Order 156. Honourable members can read that Standing Order and work it out for themselves, but this Standing Order is going to be implemented. We are not going to have undue repetition of the same subject matter by member after member.

The Committee divided on the amendment:

Ayes (18)—Messrs. Allen, Becker, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill, Brown, Burdon, Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pair—Aye—Mr. Nankivell. No—Mrs. Byrne.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. COUMBE: In view of the negative vote that has just been cast, it is obviously futile for me to proceed with the next amendment I have on file. I express regret that this amendment cannot be proceeded with, because I believe it would have clarified the position further. However, I accept the vote of the Committee and I will not proceed with the amendment.

Mr. WARDLE: I seek information under paragraph (*c*) regarding an owner-driver who is attached to a group governed by six directors who take only so many cents an hour from the drivers as is required to pay two telephonists and to meet the cost of telephone calls.

Mr. CRIMES: I rise on a point of order. Has this clause regarding owner-drivers not already been dealt with?

The CHAIRMAN: The motion before the Committee is "That this clause stand as printed" and, therefore, the honourable member is in order in seeking information regarding this clause at this stage.

Mr. WARDLE: They are not employed by a person, but by a recognized non-profit making body only to the extent that the expenses of the two telephonists and the telephone are covered. Is this person an employee in the full meaning of this clause?

The Hon. D. H. McKEE: Clause 95 of the Bill provides that the Minister may, in his discretion, give relief to certain organizations.

However, the whole situation will be assessed on its merits by the Industrial Commission because, as I have previously said, and as we all agree, we place great reliance on the Industrial Commission. It will be able to assess the sort of situation raised by the honourable member.

Mr. GUNN: As the Minister has stated that subcontractors employed by district councils or other bodies will be classed as employees, can he say whether they will be expected to belong to a trade union and whether such an organization will be expected to give preference to contractors who are members of a trade union?

The Hon. D. H. McKEE: They are in the same position as every other employee. Just as the honourable member is a member of United Farmers and Graziers of South Australia Incorporated, or such an organization, it is reasonable that these people should also, for their own benefit, belong to an organization.

Mr. GUNN: The Minister has deliberately overlooked my point. As he has clearly stated that these people will be classed as employees, and will not be regarded as self-employed people that do not have to belong to an organization, and because it is the Government's policy that preference shall be given to unionists—

The CHAIRMAN: Order! The information being sought is not relevant to this clause.

Mr. MATHWIN: A juvenile is defined as an employee who has not attained the age of 21 years. In view of the reduction in the age of majority, can the Minister say whether an 18-year-old will be regarded as a juvenile?

The Hon. D. H. McKEE: For the purposes of this Bill, I would say "No".

Mr. EVANS: Paragraph (*b*) in the definition of "employee" refers to a person engaged to drive a motor vehicle, whereas paragraph (*c*) refers to a person who uses his own vehicle. Is the Bill referring to a motor vehicle in both cases, and has "motor" been left out deliberately in paragraph (*c*)?

The Hon. D. H. McKEE: It covers all sorts of vehicle, whether drawn by donkeys, oxen or whatever one likes.

Clause passed.

Clauses 7 to 11 passed.

Clause 12—"Tenure of office."

Mr. MATHWIN: I refer now to a matter to which I alluded in the second reading debate: the retirement of the Deputy President or President of the commission. Has the Minister considered the circumstances in which a case being handled by one of those officers could, having previously been adjourned *sine die* before their retirement, continue for, say, 12 months after his retirement? Would those officers be allowed still to officiate in such circumstances?

The Hon. D. H. McKEE: I understand that this is a standard provision in Bills of this nature.

Clause passed.

Clauses 13 and 14 passed.

Clause 15—"Jurisdiction of Court."

The Hon. D. H. McKEE: I move:

In subclause (1) (*b*) after "stated" to insert "or".

This amendment corrects a printing error.

Amendment carried.

Mr. MILLHOUSE: I move:

In subclause (2) after "association" to insert "but nothing in this section shall be construed so as to prevent a claim under this section being made otherwise than by a registered association".

Last night I queried the ability of any person but a registered association to make a claim for wages, and expressed the hope that it was not meant to be exclusive. My amendment ensures that it is not exclusive.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17—"Powers of Court."

Mr. MILLHOUSE: I move:

In subclause (5) to strike out "(except where it is constituted of an Industrial Magistrate)".

I also raised this matter yesterday. For some reason that escapes me (and no explanation has been given) a case cannot be stated by the Industrial Magistrate to the Full Court, although anyone else can do so. Although his jurisdiction is less (I think up to $1,000), knotty questions of law can arise before the Industrial Magistrate, and I can see no reason why these should not be resolved by way of case stated as well as by appeal, which is allowed, any less than they should in relation to any other officer of the court. My amendment will allow the Industrial Magistrate to state a case to the Full Court.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried.

Mr. MATHWIN: As subclause (1) (*f*) could be used against the interests of one party, I suggest it is undesirable.

Mr. McRAE: The words in this provision are also included in the Commonwealth Conciliation and Arbitration Act, having been in that Act since 1904. They are also included in the relevant legislation throughout the Commonwealth and in New Zealand. The provision covers a situation where a court believes that, in order to avoid rather than increase industrial unrest, it should not proceed with the matter. As there is a great body of settled law and precedent on this matter, I do not think the honourable member need worry about it.

Mr. Coumbe: We are grateful for the explanation, but I wonder who the Minister is?

Clause as amended passed.

Clause 18.

The Hon. D. H. McKEE: I move:

In subclause (3) (*b*) to strike out "shall' and insert "may".

This will give the court greater flexibility in dealing with claims.

Amendment carried.

Dr. EASTICK: Subclause (2) (*c*) refers to "the substantial merits of the case". In the Local Government Act the word "substantial" has had many different legal interpretations, but is still a basis of argument and concern. Perhaps there is precedent for its inclusion in this legislation.

Mr. McRAE: Since the first conciliation and arbitration legislation was passed in New Zealand at the turn of the century, a provision such as this has appeared in that legislation. A similar provision appears in the Commonwealth legislation and the legislation of the other States, and no difficulty or concern has been caused in this respect.

Clause as amended passed.

Clauses 19 to 24 passed.

Clause 25—"Jurisdiction of Commission."

Mr. COUMBE: I move:

In subclause (1) (*b*) after "whether the" to insert "summary".

Under this provision, where an employee is dismissed and where the commission directs that he be reinstated, the employer may be directed to pay to the employee a sum equal to the wages that he would have received between the time of his dismissal and the time of his re-employment. I suggest that adding the word "summary" will clarify this situation, because we will be limiting the types of dismissal to summary dismissals. Under clause 157 and several other clauses, employees have rights of appeal. My amendment will help to prevent misunderstandings.

Mr. McRAE: I think that, far from clarifying the situation, the honourable member's amendment will give employers a complete escape route. The amendment will deny employees, who are dismissed under disgraceful circumstances, an opportunity of redress, provided that the employer gives the employee one week's notice, because the amendment limits the jurisdiction of the court to circumstances where there is a summary dismissal—a dismissal at a minute's notice. We will not tolerate the so-called right of employers to victimize employees, with the circumstances of such a notice of dismissal not being able to be scrutinized by an independent authority. This amendment will defeat the whole purpose of the clause.

Mr. COUMBE: I think that the honourable member has misunderstood what I intend. In any question whether the summary dismissal from his employment was harsh, unjust or unreasonable, the commission may, if it thinks fit, direct the employer to reinstate that man and pay him his wages. The nub of the matter is this. We are talking about dismissals. There is a right of appeal in certain circumstances under paragraph (*b*). Where a man is summarily dismissed (and we know what that means) he has rights if the commission thinks that the dismissal was harsh, unjust or unreasonable. In that case, the commission may direct the employer to reinstate him. By my amendment I am trying to protect the employee who is summarily dismissed and believes he has a case against his employer. That is my intent, and that intent has been misunderstood.

The Hon. D. H. McKEE: The effect of this amendment would be that, if an employer gave one week's notice to any of his employees or even paid them one weeks pay in lieu of notice, the commission would not have any jurisdiction to hear a claim regarding that dismissal if the employee considered it was harsh, unjust or unreasonable. The amendment would defeat the object of this new provision and, therefore, should be opposed.

Amendment negatived.

Mr. COUMBE: I move:

In subclause (1) (*b*) after "re-employed" to insert "but the commission shall not exercise the jurisdiction conferred on it by this paragraph unless an application invoking that jurisdiction is made, by or on behalf of the dismissed employee, within twenty-one days from the day on which it is alleged that the employee was so dismissed from his employment".

This amendment is self-explanatory; I think I have covered the case adequately.

The Hon. D. H. McKEE: This amendment is acceptable to the Government.

Amendment carried.

Mr. MILLHOUSE: I move:

To strike out subclauses (3) and (4).

Subclause (4) is consequential on subclause (3). I do not like subclause (3) because it is very wide. In effect, it gives the Full Commission (admittedly constituted by two presidential members and one commissioner) jurisdiction to discuss and intervene in any dispute whatever, because it does not have to be an industrial dispute, as is clear from the first few lines of the subclause. The wording, which is very wide, gives the commission power to intervene in any matter it likes so long as it can be shown as being something between employers and employees.

For example, there could be a row on a political topic, such as the tour of the Springboks, where employers and employees were at loggerheads. Although that was not an industrial matter, the commission could come in and say, "Yes; of course it is quite wrong that the South African rugby players should come here. We agree with the employees and we therefore rule that the tour should not go on." Of course, that of itself would not mean that the tour would not go on, but it could be used as a political weapon by others in that matter. I do not believe that the Industrial Commission should have so wide a power, wide enough to intervene in matters of that kind. Members opposite may smile or sneer, but that actually happened in this State about 12 months ago, when there was a controversy about that rugby tour. What possible authority has the Industrial Commission to intervene in a matter of that kind? It is absurd. The commission should confine itself to industrial matters. That is why it was set up and is what its function should be.

The Hon. D. H. McKEE: I oppose this amendment. These subclauses have been inserted to give the Full Commisison the power to decide to deal with a dispute involving employers and employees even though it may not be an industrial matter within the strict definition of that term, if the Full Commission considers that it is in the interests of the preservation and maintenance of industrial peace and harmony that the matter should be dealt with as though it was an industrial matter. Cases have arisen in the past where strikes have occurred over matters that were not strictly industrial matters and the commission has been powerless even to hear the parties to try and resolve the matter. It is only the Full Commission, constituted by two judges and one commissioner, which has the right to decide that a matter of this nature should be heard as though it was an industrial matter. The honuorable member is trying to copy the situation in Queensland, where a state of emergency can be declared, particularly when there is an election on. So there should be ample safeguards. I have asked members opposite several times this evening whether they have full confidence in the Industrial Commission. If they have not, now is the time for them to say so.

Mr. McRAE: The member for Mitcham has grossly misled the Committee, and that comes ill from a member of the legal profession. What garbage it is to say that this confers on the commission power to stop something like the South African rugby tour! We sat and listened to that nonsense. I am not surprised to hear such nonsense in the usual sneering vein of the honourable member who seeks to use every political trick at his disposal. Having spoken nonsense earlier in the day, he then seeks to use every kind of political garbage throughout the rest of the day. He will not get away with it now. Subclause (3) provides that the commission can deal with disputes that do not appear to be industrial disputes, but that provision does not give the commission power to stop sporting tours or the other things that the honourable member suggested in the faint hope that he might get some favourable publicity for a change. What it does is grant the commission power to deal with the sort of troublesome case that, in the strict sense, is not industrial but has led to an industrial stoppage. I am surprised to see Liberal members opposing this clause, because it is the sort of clause that the Communist Party would attack.

Mr. GUNN: The member for Playford referred to shocking speeches, but I suggest that he himself sank to a low level in his speech. I would not expect a member of the legal fraternity to speak in the manner in which the honourable member spoke. The member for Mitcham clearly pointed out the need for the amendment.

The Hon. D. H. McKee: Explain it to us, then.

Mr. GUNN: Obviously the Minister is not aware of what is in the Bill, because he read like a parrot from his prepared screed. Obviously, this clause can be used to allow for the type of political action to which we have become accustomed from some trade unions in this country; they have involved themselves in the ban on a Greek ship and bans associated with the Springbok tour. I support the amendment.

Mr. McRAE: The very example that the honourable member gave proves the Government's point; the honourable member referred to a political dispute relating to a ship. Does the honourable member want the ship to remain tied up for weeks on end, without anyone being able to do anything about it? Surely the honourable member wants someone to step in, and that is what we are providing for.

Amendment negatived; clause as amended passed.

Clause 26 passed.

Clause 27—"Compulsory conference."

Mr. MILLHOUSE: I move:

In subclause (1) to strike out "shall in addition to the jurisdiction conferred on it elsewhere by this Act, have jurisdiction, on its own motion or on application by a" and insert "shall, for the purposes of the jurisdiction conferred on the Commission elsewhere in this Act have power on its own motion or on application by a".

The object of my amendment is to give definition to the subject matter of a compulsory conference. Subclause (1) will then provide:

The commission . . . shall, for the purposes of the jurisdiction conferred on the Commission elsewhere in this Act have power on its own motion or on application by a registered association, to convene a compulsory conference presided over by a Presidential Member . . .

At present, there is no restriction on the subject matter that can be discussed at a compulsory conference. Because I believe that such a definition should be inserted, I have moved my amendment.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried.

Mr. COUMBE: I move:

In subclause (1) after "association" to insert "or association of employers".

The amendment clarifies the position. In a recent case a registered association of employers found that it had been operating invalidly for some time, and it sought voluntary registration.

Mr. McRAE: This is a highly technical question. While it is true that there have been recent cases where some registered associations have found themselves in difficulty, by virtue of the legislation this will no longer be the case. The whole purpose of the Bill is to place a registered association in a position of responsibility, duty and authority, and to exclude the unregistered association. To that end, the Trade Union Act has been repealed. If we leave the subclause as it stands, at least we make clear that we are cutting out all the bogus unions and associations that the honourable member knows have plagued the commission over the last few years.

Amendment negatived.

Mr. COUMBE: I move:

In subclause (7) to strike out "the summons was not brought to his attention" and insert "he was not summoned in any manner provided for in subsection (8) of this section".

Subclause (8) sets out how the summons is to be served, and it is possible it may not be brought to his attention. What I am trying to do is make it clear and to put it in legal terms that he was summonsed as provided in subclause (8), which sets out several ways in which the summons can be served.

The Hon. D. H. McKEE: I oppose the amendment, because it simply means that if a person were sent a summons by certified mail or telegram and was not at home and did not receive it, he could be guilty of an offence.

Mr. McRAE: This is a highly technical matter. True, some individuals evade the service of compulsory summonses, and for these people I have no sympathy. However, an organization which has not had industrial trouble for years may suddenly find itself enmeshed in industrial difficulties. While the real villains go on in their customary and not charming way, the good man who has been behaving himself for years has a summons left at his door and not brought to his attention. I would far rather let him get away with it to the extent that he can (because he will be tracked down eventually) than have the genuine trade union secretary or employer secretary caught in what is a fairly wide net. Passions tend to run high in relation to compulsory conferences.

Amendment negatived; clause as amended passed.

Clause 28—"General powers of the Commission."

Mr. MILLHOUSE: I move:

In subclause (1) (*g*) to strike out "but excluding costs of preparation of the case and representation during the hearing".

Under this provision, a party is deprived of costs of representation during the hearing, but I cannot see why there should be such an exclusion. Why those costs should not be allowable (and they are the kind of costs which are allowable in another jurisdiction) I do not know.

The Hon. D. H. McKEE: It is only in exceptional circumstances that any costs should

be awarded by the Industrial Commission. As parties to proceedings before the commission should be prepared to bear their own costs, it is unreasonable for there to be any possibility of awarding costs to the other side for preparing a case or for representation before the commission. As the amendment seeks to do that, I oppose it.

Amendment negatived; clause passed.

Clause 29—"Further powers of Commission."

Mr. COUMBE: I move:

To strike out subclause (1) (*c*).

This paragraph provides, in essence, that preference in employment must be given to unionists. Section 25 (3) of the Code specifically forbids the court or commission from granting preference in employment to members of an association. The Bill turns that provision right around so that power shall be given to give preference in employment. It is a complete negation of the old Act. What we see here is the Labor Government setting out, in effect, to deny the fundamental rights under law to certain people by granting preference in employment. What does preference in employment really mean?

The Hon. D. H. McKee: I will soon tell you.

Mr. COUMBE: I shall be glad to hear the Minister. If two tradesmen of equal ability apply for a position, under this provision the employer will be obliged to ask whether they are members of the relevant union, to tell the man who is a member of the union that he will be engaged, and to tell the man who is not a member that he cannot engage him. Therefore, one man is more equal than the other! An employer who employs the man who is not a unionist commits an offence if an award is made under this Bill.

The Bill gives the commission power to make an award on these lines. The man who is denied employment cannot get a job with an employer who is a party to the award unless he joins the union. He is blackballed and forced to join the union. The next logical step is compulsory unionism. I know that the Australian Labor Party policy is preference to unionists, not compulsory unionism, although I think the member for Adelaide said last evening he believed in compulsory unionism.

Mr. Wright: That would be wrong.

Mr. COUMBE: I do the honourable member an injustice, but one honourable member said that last evening. The Government has gone to the polls saying that it believes in people and their rights, yet this evening it is telling people that, unless they join the union, they cannot get a job in the industry. It is the ultimate object of the A.L.P. to have compulsory unionism throughout South Australia and the rest of the nation. Article 20 of the Universal Declaration of Human Rights states that no-one shall be forced to join an association, and many times the Government has promoted some of the tenets of that declaration.

The CHAIRMAN: Order! I think the honourable member has referred to that in the second reading debate. Once again, I refer to the clause under discussion in Committee. The honourable member knows that in the Committee stage he is confind to that clause and must continue only on those lines.

Mr. COUMBE: I have said that, in some circumstances, under this provision preference in employment to members of a union could lead to compulsory unionism.

Mr. Keneally: That is different from what you were saying previously.

Mr. COUMBE: No, it is not. I know that we have by arrangement or by choice what are called closed shops. However, that does not mean that we should enact this clause, which gives preference in employment and which could, in turn, lead to compulsory unionism. Although this sort of provision is operating in the Commonwealth sphere and in the other States, that does not necessarily make it right. I am concerned about the people of South Australia, and I find this provision completely obnoxious.

The Hon. D. H. McKEE: Although I appreciate the member's argument, I am not convinced that he is advancing his real opinion. He is an employer himself, an aspect on which I will not elaborate. The subject of compulsion has been hammered all the time, but members opposite have overlooked the fact that, provided all is equal, the court has jurisdiction to give a decision on these matters. The member for Torrens has said that, if two identical tradesmen applied for a job and one was a member of a trade union whereas the other was not, the first would get the job. There is no equality there. In the reverse situation, if two men applied for a job, one of whom had his apprenticeship credentials and all the necessary qualifications to enable him to become a tradesman, whereas the other had not those qualifications, where would be the equality? If the man without the qualifications was a unionist, he would not get the job. In those circumstances the man with the credentials, although not a member of the union, would be more qualified. No court would bring a charge against any

employer who employed a non-unionist who had better qualifications than a unionist. That applies in every award. I cannot accept the amendment.

Mr. GUNN: I have never heard the Minister advance such a flimsy argument and then fail to substantiate the point he was trying to make. I thoroughly support what the member for Torrens has said. Would a man employed by a district council (he could be a subcontractor) be discriminated against if he was not a member of a trade union? This clause makes it obligatory for an employer to employ men who are members of trade unions; this is, therefore, compulsory unionism.

Mr. Crimes: It is not.

Mr. GUNN: Opposition members and the public generally regard preference to unionists as compulsory unionism because, if a person fails to join a union, he is blackballed and denied his democratic rights. I can cite instances in my own district in which people have been threatened by organizers of the Australian Workers Union. In one case, a group of men employed in a quarry were, when about to knock off, ordered by an A.W.U. organizer to join the union.

Mr. WRIGHT: I rise on a point of order, Mr. Chairman. The member for Eyre is making innuendoes about the A.W.U. and referring to a quarry without saying what place or what official was involved.

The CHAIRMAN: A point of order has been raised. I must call the attention of the honourable member for Eyre to the fact that the Committee is dealing with the amendment moved by the member for Torrens, and he must confine his remarks to that amendment.

Mr. GUNN: The amendment is to clause 29 (1) (c), which deals with the enforcement of compulsory unionism by a back-door method. When the member for Adelaide took his point of order I was trying to explain how an A.W.U. organizer forced a group of people to join a union against their will.

The CHAIRMAN: Order! We are dealing not with the second reading of the Bill but with an amendment moved by the member for Torrens, to which the member for Eyre should speak.

Mr. GUNN: I am citing an example, which I can link up to the clause by showing how it will operate. This matter is indeed important to my constituents, as I and, indeed, most other members, have received many complaints about how this clause will be interpreted. The Highways Department employed a small subcontractor who employed one person. An officer of the A.W.U. visited the site and told the employer that unless he and his employee joined the union they would be blackballed and all other employees working on the contract would be called out.

The CHAIRMAN: Order! The honourable member cannot make a second reading speech. We are in Committee, and remarks in Committee are confined to a narrow area, in this case concerning the amendment moved by the honourable member for Torrens.

Mr. GUNN: Most people believe in the right of the individual to make his own decisions in his right to earn a living. The Minister did not cite cases but endeavoured to drag a red herring over the argument advanced by the member for Torrens. The Australian Labor Party Government wishes to enforce this clause because it will enable the Labor Party to collect a large proportion of its finance—

The CHAIRMAN: Order! These remarks are out of order, and no future reference will be allowed to this matter. The honourable member for Eyre.

Mr. GUNN: I have made the point, Mr. Chairman.

The CHAIRMAN: Order! If the honourable member for Eyre disregards the authority of the Chair, I warn him at this stage.

Mr. GUNN: I should not in any way wish to reflect on your impartial ruling, Mr. Chairman. Can the Minister say whether a subcontractor who is self employed would be classified as an employee and forced to join a union before a prospective employer could employ him? The Committee is entitled to an assurance from the Minister on this matter.

The Hon. D. H. McKEE: To delete this clause would be to say that this Parliament did not trust the Industrial Court of this State.

Mr. Coumbe: Come off it!

The Hon. D. H. McKEE: That is exactly what members opposite are setting out to do. This provision is in several State and Commonwealth awards. Other Governments, including the Commonwealth Government, place trust in their industrial administration. I oppose the amendment.

Mr. MILLHOUSE: I must explain the fundamental difference between the two parties. The policy of the Labor Party on this matter is for preference to unionists, and in my view (this may be argued by members opposite) that is only one step removed from compulsory unionism. However, no matter what we say or what arguments the Minister puts in support

of the provision, the Government will carry it because it is its policy.

Mr. Jennings: Are you opposed to compulsion?

Mr. MILLHOUSE: I am opposed to preference to unionists, and I am also opposed to compulsory unionism.

Mr. Jennings: Except for compulsory military service in Vietnam.

The CHAIRMAN: Order! Reference to Vietnam is out of order.

Mr. Gunn: The honourable member—

The CHAIRMAN: Order! The honourable member for Eyre has been warned once.

Mr. MILLHOUSE: Debates like this and the comments made by the member for Ross Smith and the arguments put by the Minister illustrate more eloquently than anything else the fact that, try as it may to become a middle-class Party, the Labor Party is a working class Party—it always has been and it always will be—and it exists merely to further the interests of trade unions. There can be no clearer example of this than the policy embodied in this paragraph under debate. We can argue this matter until the cows come home, but it will not change the views of members opposite or our view. However, this is eloquent proof that the Labor Party is a trade union Party and nothing else.

Mr. CRIMES: This provision does not mean that the Australia Labor Party is being given the right to impose compulsory unionism or preference to unionists. The responsibility will lie entirely with the Industrial Commission to judge every application for preference on its merits. I believe that the Minister has made this clear in his explanation. This provision means that if two people approach an employer for the one available job the employer, after determining that one applicant has had 18 months experience in his trade and is a member of a union and the other applicant has had three years experience and is not a unionist, gives the job to the latter. It is not preference to unionists in such a case. The matter is based on the principle applied in every case by every arbitration authority dealing with the matter of preference. It works on the basis of all other things being equal. I am referring to the strict legal interpretation, which is the only way an arbitration authority can handle the matter. We are not dealing with what might happen afterwards regarding the enrolment of people in unions.

Mr. MATHWIN: The Minister said that if two men applied for a job, all other things being equal, and one man was a member of a union, he would get the job.

The Hon. D. H. McKee: Provided everything is equal.

Mr. MATHWIN: If that is not a form of compulsory unionism, I have yet to see it. This means that a person who may have a good reason for not being a union member will be excluded. If a non-unionist does not get employment, he has virtually become a second-class citizen through not being a member of the union. This provision is ridiculous and unfair. All that the Minister could say was that Opposition members had no confidence in the Industrial Commission, but that is not so. This provision is the thin end of the wedge as we progress towards compulsory unionism. As I said yesterday, I believe that people should have to pay their dues, but they should not have to belong to the union. It is immaterial whether they pay their dues to a union or to another organization. Over the last few years, a person has had the alternative of either getting no employment or joining a union.

Mr. JENNINGS: After hearing the member for Torrens and the member for Eyre, I am convinced that empty vessels make the loudest sounds.

Mr. Venning: And people in glasshouses shouldn't throw stones.

Mr. JENNINGS: The member for Torrens put forward the highly unlikely proposition that two exactly equal people might apply for the same job. He said that if one person produced a union card he would get the job. I believe that a person who belongs to a union has shown responsibility to his fellow workers, so in that respect he is not completely equal with a man who has not shown this responsibility. Apart from that, what the member for Torrens forgot to say was that when two men apply for one job, whatever criteria is applied, only one man can get the job, and that is Liberal philosophy.

Mr. BECKER: I support the amendment. We can take the case of four people who are completely equal and who apply for a job, three of them being non-unionists. According to the Government's argument, if all things are equal the union member will get the job. It would be unfortunate if a non-union applicant was a married man with a young family who could not afford to pay his union fees.

The Hon. D. H. McKee: Will the employer employ the most suitable and qualified man for the job? This is where you show distrust of the court.

Mr. BECKER: I believe this provision amounts to industrial discrimination and introduces a new era in industrial relations. It is nonsense to accuse us of not trusting the Industrial Commission. If the Government had faith in the commission, it would not have to include this provision in the Bill.

Mr. GUNN: Can the Minister say what is the position, under the definition, of owner-drivers of trucks?

The CHAIRMAN: Order! I again refer honourable members to Standing Order 156.

Mr. GOLDSWORTHY: There is no reference in this clause to all things being equal. In any case, who will decide whether two people are absolutely equal? The fellow holding a union ticket and his union will have a fair say in the question of all things being equal, and I believe this is a phoney concept. The member for Spence referred to a case where, if a person had equal qualifications but had had a job for a year longer, he would get the job. The question of equality cannot be really assessed, and there will be no-one to assess it in any case. I suggest that, if a non-unionist got the job, the union would soon assess whether all things were equal and that this provision would lead to industrial strife.

Mr. WRIGHT: Since the member for Torrens spoke last evening, I have been convinced that either he is filibustering on this matter or he does not understand it. I have been forced into this debate by two things that have been said. One was by the member for Mitcham, who said that, try as it might, the Australian Labor Party was unable to make itself a middle-class Party instead of a Party of trade unions or workers. If that is the principle upon which we have to decide this clause, I agree, because I stand fairly and squarely on the side of the workers. I do not attempt to make myself middle-class; nor does the A.L.P. It is competent to look after all sections of the community, so it is working-class. Secondly, the point made by the member for Kavel about the situation was that, so far as he was concerned, the trade unions would move in where the employer had decided to employ a non-unionist. That is a further statement of distrust of the Arbitration Court, as shown by the Minister. We have faith in the competency of the court, first, to write into an award, on application, preference for trade unionists to be employed, and, secondly, to decide whether or not all things were equal.

We have heard this evening only one side of the story from members opposite, who base their argument mainly on the unionist getting the job instead of the non-unionist. But what about the case where the non-unionist gets the job over the unionist? In that case, this part of the Bill will start to operate. That will be when the trade union official or the industrial officer will have an opportunity to defend the trade unionist involved. I cited an example yesterday of unionists or non-unionists in employment finding themselves harassed or victimized by an employer. No-one has tried to refute that today so I accept that it is true. We are trying to ensure that the unionist applying for a job is given an equal opportunity with the non-unionist. There has been much filibustering on the other side, as well as some misunderstanding.

Mr. Venning: Do you think we came down in the last shower?

Mr. WRIGHT: We have heard from the member for Rocky River, who is still wet and has been wet all his life.

Mr. VENNING: Mr. Chairman, I take exception to that comment and ask that the honourable member withdraw it on the ground of its being unparliamentary language.

The CHAIRMAN: I cannot uphold the allegation that it is unparliamentary language but, as the honourable member for Rocky River has asked that the honourable member for Adelaide withdraw that remark, will the honourable member withdraw it?

Mr. WRIGHT: I heard the honourable member say that he was not wet. That is a matter of opinion. I think he is wet. It is a matter for him or me to decide. I refuse to withdraw. He is wet and will remain wet. I will not withdraw.

Mr. GUNN: Mr. Chairman, on a point of order, the member for Adelaide has reflected on the character and credibility of the member for Rocky River by his statement that he was wet. I ask that the member for Adelaide withdraw his statement without qualification.

The CHAIRMAN: Order! I cannot uphold the point of order that the term used was unparliamentary but, as the honourable member has made that request, I ask the member for Adelaide whether he desires to withdraw the remark.

Mr. WRIGHT: I am not sure whether the member for Eyre is not wet, too.

The CHAIRMAN: Order!

Mr. WRIGHT: As I said last night, there are many instances in South Australia where not only is preference given to trade unionists

but it is compulsory. In Western Australia it is compulsory. For many years in Queensland it has been compulsory for employers to give preference to trade unionists; otherwise, the employers are liable to big penalties. In the big industries in South Australia, particularly in the motor car industry, a man cannot obtain employment without first of all being a financial member of a union. For many years under the Playford Government, that was accepted. The Playford Government did nothing about it because it was in the interests of industrial peace. That is why that situation was accepted. Again, at the abattoirs, the situation for 25 years has been that, unless a man joins the union before he starts work, he does not get the job. That is preference. If Liberal Governments have acquiesced in such a situation as that, let members opposite be honest, decent and respectable about it and not try to make political capital out of the situation now by saying that we are getting control of the Industrial Court. We are giving it neither to the employers nor to the trade unions. Then again, the Commonwealth Railways Department, for 23 years at least, was under the control of a Liberal Minister and tolerated a situation in which, unless a man was a financial member of the appropriate union, he could not obtain sick leave, annual leave or payment for statutory public holidays. So members opposite should not blame the A.L.P.

Mr. McANANEY: If I heard the member for Adelaide correctly, he might have talked me into voting against the amendment if he means that at the abattoirs, where the unions have been running the show, if a non-unionist and a unionist apply for a job and the non-unionist has the better qualifications, he must get the job. In this matter of being equal, I am accused of not having faith in the Industrial Commission. If two people apply for a job and one says he has a week's service in a certain industry more than another man, he gets the job even though he may not be the better man. If an employer wants a hole dug and a man comes along with no muscles and another man comes along with bulging muscles, the latter will get the job. The former may have been in the industry for 10 years and never have done a day's work; and he gets a certain reputation. Does the Industrial Commission say that this man is entitled to the job merely because he has been a week longer in the industry? The member for Adelaide has convinced me that this provision may have merit in some respects but, from the practical point of view, it is hopeless. I still support the amendment.

Mr. VENNING: I, too, support the amendment. I have listened to the comments from members on both sides of the Chamber, particularly the member for Adelaide and his wet remarks. It is a pity that he is not as wet outside: the country needs the rain. Compulsory unionism has far-reaching effects. A few months ago, the Minister of Roads and Transport was responsible for a circular being issued to various sections of the Railways Department; the circular referred to contractors working on the standard gauge line, and it said that preference had to be given to union labour. A new tender form was sent out with that circular. If a contractor was willing to use union labour, he was permitted to re-tender at a higher figure to cover his use of union labour. Where silos are being constructed, one often sees a notice saying that only unionists can get jobs on the site. Employers who put up such notices do so for the sake of industrial peace.

Mr. GUNN: The remarks of the member for Adelaide have reinforced the claims that Opposition members have made about this clause, which clearly provides for compulsory unionism. In 1967, the Labor Government revised the Industrial Code and made it an offence for any employer to discriminate against a person because he was not a member of an association. Section 91 of the Industrial Code provides:

(1) No employer shall dismiss any employee from his employment or injure him in his employment, by reason merely of the fact that the employee—

(*a*) is or is not an officer or member of an association; or

(*b*) is entitled to the benefit of an award, order or industrial agreement.

Penalty: One hundred dollars.

(2) In any proceeding for an offence under this section it shall lie upon the employer to show that any employee, proved to have been dismissed or injured in his employment whilst he was or was not an officer or member of an association, or whilst entitled as aforesaid as the case may be, was dismissed or injured in his employment for some reason other than a reason mentioned in this section.

Further, it is illegal to penalize a person because he is not a member of an association; that kind of provision is just, whereas this clause is not just. The Minister has said that Opposition members have no confidence in the Industrial Commission, but that statement is complete nonsense. The Minister owes the Committee a far more reasonable argument.

The Committee divided on the amendment:

Ayes (16)—Messrs. Becker, Carnie, Coumbe (teller), Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (20)—Messrs. Broomhill, Brown, Burdon, Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Keneally, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Allen and Evans. Noes— Mrs. Byrne and Mr. Langley.

Majority of 4 for the Noes.

Amendment thus negatived.

Mr. COUMBE: I move:

In subclause (1) (*f*) after "employees" to insert "but no such award shall be made binding on any employers or employees who are for the time being subject to an industrial agreement".

This amendment will preserve the rights of industrial agreements.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried.

Mr. COUMBE: I move:

In subclause (1) (*g*) after "made" to insert "being a day not earlier than the day on which the application in respect of which the award was made was lodged with the commission".

This amendment will bring into force the practice which is adopted today and which has been adopted for many years, namely, that when an application is lodged and retrospectivity applies, this should be the time when the retrospectivity should take place. Subclause (2) provides:

An award or order of the commission shall be binding on all persons and associations expressed to be bound by the award.

That is a wide provision, but I do not think it is meant to be so wide, because it means that retrospectivity could operate for a year or more. The amendment tidies up the clause. The Minister knows as well as I that most awards are made retrospective to the date on which the application was first lodged. The amendment is reasonable.

The Hon. D. H. McKEE: I oppose the amendment because the Government considers that the court should have the power to grant retrospectivity if it so wishes. The court, which is a reasonable body, should decide the question of retrospectivity.

Mr. COUMBE: Do I understand that there is no limit on the retrospectivity that may apply? I do not wish to reflect on the commission but, as the clause stands, it can make an order or award retrospective to any date. Am I right in assuming that the Minister wants this matter left open so there will be no limit on retrospectivity?

The Hon. D. H. McKEE: Yes. The court should have discretion to make a reasonable decision, based on the evidence before it.

Amendment negatived.

Mr. COUMBE: I shall not proceed to move for the insertion of new subclause (1a).

Clause as amended passed.

Clauses 30 to 34 passed.

Clause 35—"Living wage inquiry."

Mr. COUMBE: I move:

In subclause (1) to strike out "other" and insert "registered".

This simple amendment will tidy up the clause.

The Hon. D. H. McKEE: I accept the amendment.

Amendment carried.

Mr. MATHWIN: Is subclause (3) the normal provision that is contained in Commonwealth awards?

The Hon. D. H. McKEE: Subclause (3) is identical with the provision in the Industrial Code.

Clause as amended passed.

Clauses 36 to 68 passed.

Clause 69—"Jurisdiction of Committees."

Mr. COUMBE: As the Committee has already voted on the principle of preference in employment to unionists, I shall not proceed with my amendment to strike out paragraph (*c*) in subclause (1).

The CHAIMAN: The honourable member for Torrens has an amendment to subclause (1) (*g*).

Mr. COUMBE: I move:

In subclause (1) (*g*) after "made" to insert "being a day not earlier than the day on which the application or direction in respect of which the award was made was lodged with or given to the committee".

We are dealing now with the committee and, although this principle was not accepted previously, I hope the Minister accepts it in this case.

The Hon. D. H. McKEE: I cannot accept the amendment.

Amendment negatived; clause passed.

Clauses 70 to 77 passed.

Clause 78—"Equal pay for males and females in certain circumstances."

Mr. COUMBE: I move:

In subclause (1) after "The" to insert "Full".

I support the principle of equal pay but this important matter should be dealt with by the Full Commission, not by a single Commissioner as could be the case under the clause as it stands.

Mr. McRAE: I speak from experience, having endured the Full Commission dealing with equal pay cases. In a case involving window dressers, heard before the Full Commission (which can comprise one or two Presidential members and one or two Commissioners), we had the absurd position of the members of the commission, as well as two associates, a secretary, reporters, counsel, and the parties, crowding into a window at Moore's to decide some part of the evidence. It is not just the Government but the whole commission and the community who have pointed out the absurdity of the existing provision. In the past four years the Full Commission has set down guidelines to apply to individual commissioners if this legislation is passed. The present procedure is impracticable and wastes time and money. Cases were being delayed for as long as six months because Full Commissions were required on equal pay cases. In the Commonwealth jurisdiction, as well as in other jurisdictions throughout Australia, single Commissioners have and exercise the right to grant equal pay.

The Committee divided on the amendment:

Ayes (16)—Messrs. Becker, Carnie, Coumbe (teller), Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Broomhill, Brown, Burdon, Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Allen, Evans, and Nankivell. Noes—Mrs. Byrne, Messrs. King and Langley.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. COUMBE: As a result of the vote on this amendment, I do not desire to proceed with my other amendments to the clause.

Clause passed.

Clause 79 passed.

Clause 80—"Sick leave—employees under awards."

Mr. MILLHOUSE: I must protest at this clause, which gives a direction by way of legislation regarding sick leave, whereas this has, as I understand it, always been a matter in the discretion of the industrial tribunal. Not only does it convert into legislation what has been the jurisdiction of the tribunal but also it doubles what has been the usual award of sick leave, making it 10 days, whereas in the past it has been five days. I do not believe that we should take away the jurisdiction of the court in this way or, indeed, that a doubling of the normal award is justified. I therefore oppose the clause.

The Committee divided on the clause:

Ayes (21)—Messrs. Broomhill, Brown, Burdon, Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (16)—Messrs. Becker, Carnie, Coumbe, Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Pairs—Ayes—Mrs. Byrne, Messrs. King and Langley. Noes—Messrs. Allen, Evans, and Nankivell.

Majority of five for the Ayes.

Clause thus passed.

Clause 81 passed.

Clause 82—"Granting of and payment for annual leave."

Mr. COUMBE: I move:

In subclause (4) to strike out "his average weekly earnings for the preceding 12 months or at the award rate (if any) or"; after "weekly earnings" second occurring to insert "together with such allowances as the Full Commission may specify either generally or in any particular case"; and after "leave" second occurring to strike out "whichever is the highest".

The operative phrase in this provision is "average weekly earnings". This provision covers all allowances, such as overtime, over-award payments, and so on. I believe that we should perhaps adopt the principle laid down recently by the Commonwealth tribunal when it increased the sum payable to an employee going on annual leave by providing certain allowances above his current award earnings. Federally, this matter is handled by the commission. The amendments will mean that it will be left to the court to determine, when the award is made, what allowances can be added to the amount that the employee will take with him on annual leave.

The Hon. D. H. McKEE: I oppose the amendment, because the Government sees no reason why anyone who earns a certain rate of pay for 52 weeks of the year should suffer a reduction when he goes on annual leave. The honourable member probably knows through his experience of his own industry that many employees continually work overtime, becoming used to taking home a certain wage. We believe that they should not be

penalized when they go on leave, because this is a time when they may want to take their family for a holiday and recuperate after a hard year's work.

Dr. EASTICK: I support the amendment. I do not think that what the Minister has said is even remotely reasonable. A person who works overtime does so because he wants to do so. The member for Unley said last evening that it was unnecessary for people to work overtime. I do not know whether that view is shared by members opposite. In the year ended June 27, 1972, the overtime payment on salaries and wages at the abattoirs amounted to more than $1,700,000. It is not in the interests of the State or workers to provide for a bonus, for work carried out, to be paid on top of the normal wage, plus reasonable over-award payments as may be determined according to the requirements of this provision. This would increase the cost of production, with a resultant escalation in prices.

Mr. McRAE: The Leader gives employees less than justice. It is the employer who requires the overtime to be worked. Because of this requirement, it is the employer who sets the family budget. As all workers spend according to their earnings, why should they drop in salary when they go on holidays? No union seeks overtime; in fact, unions continually oppose compulsory overtime. I do not want to enter into a discussion about the abattoirs, as I do not know the circumstances there.

Mr. Millhouse: You're wise.

Mr. McRAE: Having conducted a two-year work value inquiry for the union, I suggest I know the circumstances far better than the Leader or Deputy Leader know them. However, I am tired, so I will talk about the general circumstances in industry. Whether it be annual leave, workmen's compensation, or any other entitlement, an employee is entitled not to have the standard pruned, because the employer requires him to work overtime during the year.

Mr. GOLDSWORTHY: I find the argument of the member for Playford unconvincing. He suggests that an employee is required, against his will, to work overtime and is therefore having his family budget set by the employer. The fact is that many employees welcome overtime because it gives them more money to spend than they would normally have. They are thus able to buy goods that they would be unable to afford on their normal wage. To suggest that they should be paid while on annual leave for work they have not done is completely ridiculous. This is similar to another argument advanced by some unions that four weeks wages should be paid for three weeks leave so that employees will have money to spend while they are on leave. I do not argue about the principle of employees who receive over-award payments being paid the same wage when on annual leave, because that is the set wage, but to try to apply this principle to overtime payments is unrealistic, because they vary greatly during the year. I see no force in the member for Playford's argument.

Mr. VENNING: I support the amendment and warn the Minister that, although he may be introducing this legislation to help the worker, it will in the long term cause the worker much harm and damage. I refer to the situation at Broken Hill South, where it became uneconomic to carry on.

The Hon. D. H. McKee: The mine ran out of ore.

Mr. VENNING: No. Workers will find themselves without jobs if this is pushed too far. The amendment is reasonable. It is fair to pay overtime when overtime is worked, but that should not apply when a worker is on leave. Unfortunately much overtime has to be worked at the Gepps Cross abattoir, because facilities there are inadequate to handle the stock. However, to put an added cost on to slaughtering charges is wrong.

Amendments negatived.

Mr. COUMBE: I move:

In subclause (4) to strike out "and such payment shall be made irrespective of the reason for, or the manner of, such termination" and insert "unless that termination is occasioned by the serious wilful misconduct of the employee in which case no payment shall be made in lieu of annual leave or proportionate leave".

This clause deals with the payment of the entitled proportion of annual leave to a worker on his leaving his job, which is fair enough. However, when there is a summary dismissal, leave rights are forfeited. This provision cuts across summary dismissal. As rights of appeal are available to an aggrieved worker who believes that harsh or unjust dismissal has taken place, I move this amendment to prevent cutting across the principle of summary dismissal. The subclause as drafted provides that irrespective of the reason for dismissal a proportion of leave accrued shall be paid.

Mr. McRAE: I see no reason why an employee, even if he is dismissed on grounds which justify summary dismissal, should lose his annual leave or long service leave entitlement. If he has caused his employer loss or

damage or has stolen or embezzled money, he must repay that money. It is not suggested that he be relieved of that responsibility in any way but, if a man has worked long and well enough to obtain this entitlement, it is not just that he should lose it.

Amendment negatived; clause passed.

Clause 83—"Provisions relating to automation."

Dr. EASTICK: I seek information from the Minister. Will benefit from automation apply when the automation is in the industry or company for which the individual works or when it is in the general industry? We believe this provision is intended to apply only to automation in the company for which the individual works, but we are in some doubt. Whether this clause could or should be amended has been discussed, but no action has been taken because of some difficulty of interpretation.

The Hon. D. H. McKEE: I assure the Leader that his belief is correct. It is spelled out fairly plainly in the Bill that, where an industry makes technological developments with a view to updating its plant and considers reducing its overheads by retrenching some employees, it will be expected to give at least three months notice to the Department of Labour and Industry of its intention to retrench labour.

Clause passed.

Clauses 84 to 94 passed.

Clause 95—"Appeal to Court from decision of Industrial Magistrate."

Mr. MILLHOUSE: I move:

After "95" to insert "(1)"; and after "Judge" to insert the following new subclause:

(1a) On the hearing of an appeal the court may—

(*a*) take fresh evidence;

(*b*) confirm, quash, or vary the order or decision appealed against; or

(*c*) refer the decision or order appealed against to the court whence the appeal arose for reconsideration or with a direction whether conditional, contingent or otherwise to make some other order and with or without such other directions and suggestions as it thinks fit.

The object of this amendment is simply to give the court guide lines to its powers on an appeal from the Industrial Magistrate. The amendment is in similar form to clause 94 (3), which sets out the powers of the court on an appeal from a single judge.

The Hon. D. H. McKEE: The amendment is acceptable to the Government. It appears to correct a drafting error.

Amendment carried; clause as amended passed.

Clause 96—"Decision of tribunal to be final".

Mr. McRAE: I support this clause, but I call to the attention of those who may be looking at the Bill the use of the final words of the clause:

or before a court or tribunal competent at law to exercise powers of the nature of those arising upon a writ of *certiorari* in relation thereto.

I do not think those words are particularly necessary, but they do not create a great issue.

Dr. EASTICK: In the Industrial Code it was the decision either of the court or of the commission: here, it applies only to the commission. Is there any reason why the decision of the court is omitted in the framing of this clause?

The Hon. D. H. McKEE: It is substantially the same as the section in the Industrial Code; there is no great difference. This clause refers to the decision of the commission or a committee. I cannot understand what the Leader is referring to.

Mr. McRAE: The matter is purely technical. All that is really needed is to give access to the Supreme Court where there is an excess or want of jurisdiction. There is no need to clog this up with writs of *certiorari*. I think that answers the Leader's question.

Clause passed.

Clauses 97 and 98 passed.

Clause 99—"Hearing of appeal."

Mr. COUMBE: I do not intend to move the amendment, of which I had given notice, to this clause.

Clause passed.

Clauses 100 to 121 passed.

Clause 122—"Change of rules of associations."

The Hon. D. H. McKEE moved:

In subclause (5) to strike out "which contain or contains" and insert "including any rule or rules which contains or contain".

Amendment carried; clause as amended passed.

Clause 123—"Printed copies of rules to be supplied."

Mr. BECKER: What is the reason for the increase in the fee from 50c to $1?

The Hon. D. H. McKEE: The increased fee is considered reasonable in this day and age.

Clause passed.

Clauses 124 to 136 passed.

Clause 137—"Amalgamation of registered associations."

Mr. McRAE: This is a highly technical clause. There may be some hiatus that could be covered by a further subclause relating to the evidence needed to deal with the combining of a group of organizations so as to form an amalgamated organization. What, in fact, we are doing is creating a new body "D" out of a series of bodies "A", "B" and "C". What we ought to be saying is that on the last completed vote (namely, that of "C"), assuming it is done *seriatim,* that will be conclusive evidence of amalgamation.

Clause passed.

Clauses 138 to 141 passed.

Clause 142—"Recovery of moneys owing."

Mr. GUNN: Is this the clause under which an association could recover dues from a person who at one time belonged to it and had never notified it that he no longer wished to belong to it? I have been approached by a constituent who at one time belonged to a union; he paid only one annual fee and did not receive a renewal notice, and he is now worried that he may owe union fees for a number of years.

The Hon. D. H. McKEE: I believe that the High Court has decided that an organization can fine a person for union dues only up to the date on which they are due or to the time of the person's resignation from his employment. As a result of that High Court decision it is highly unlikely that a court would penalize a person who had not sent in a written resignation and who had five years dues owing it would be unlikely that a court would bring down a decision in favour of the union in those circumstances.

Mr. GUNN: A farmer's son may work in a shearing shed and, in order to obtain that employment, he may have (voluntarily or under threat) joined a union. That person may never again have a job that makes it necessary for him to be a union member. So, he may not receive a renewal notice. I take it he would not be liable for back dues.

Mr. BECKER: Although a person may be employed for only a month, he must, on joining a union, pay three months dues and he must give three months notice of his intention to leave the union. So, in effect, he has to pay six months dues. Will the Minister comment on that?

The Hon. D. H. McKEE: We are not able to write into the legislation the rules of unions. However, this clause would protect to some extent the kind of person referred to by the honourable member.

Mr. McRAE: The position is clear.

Mr. Millhouse: The Minister has already stated his views.

Mr. McRAE: Much confusion is caused to some people because various journals and newspapers carry alleged legal advice to the effect that union rules that require three months notice and the payment of dues are valid. Presumably some legal practitioners are supplying this advice, which is wrong.

Mr. Gunn: The advice given was not correct?

Mr. McRAE: Yes. Advice given in columns such as *Action Line* is incorrect. The High Court ruled 50 years ago that such procedures were quite invalid.

Clause passed.

Clauses 143 and 144 passed.

Clause 145—"Certain acts or omissions not torts."

Mr. MILLHOUSE: The debate on this clause need not be lengthy, because the principles involved have been canvassed extensively during the second reading debate and on previous occasions. In the Opposition's view, this is a most important and most unfortunate clause. It is a clause we do not like, because we do not believe that the common law actions should be abolished, as the clause attempts to do. Therefore, we are not willing to support the clause. We believe that, in justice, the actions should be maintained. I say again that in a recent case in South Australia it was only because it was possible to bring an action at common law that the rights of persons on Kangaroo Island were upheld: there was no other way in which they could have obtained justice. I know that the Government is determined to get rid of these actions, and this clause is its attempt to do so. I hope that in the end the Government's attempt will fail. I think there is a good chance the attempt will fail, even though we may be rolled in this place. We oppose the clause.

Mr. GOLDSWORTHY: I support the remarks of the member for Mitcham. The clause is one of the major issues on which the Opposition and the community at large hold strong views. It is an attempt to deny the citizens of this country a recourse to justice. What is it that the Government and the unions fear about citizens having recourse to the courts if they believe they have suffered an injustice? The only argument I have heard advanced by Government members and others is that the clause will preserve industrial peace. If we are being asked to accept peace at any price, we

are taking one giant step towards anarchy, because this clause subverts justice.

Mr. MATHWIN: I oppose the clause, which is distasteful to the community generally. It proves that the Government is molly-coddling the unions and is assisting them with the stand-over tactics they invariably use. It is no defence to say that the clause will preserve industrial peace.

Mr. GUNN: The clause is a retrograde step because it seeks to deny the citizens of this State one of their democratic rights. It has been framed deliberately by a Government that is under the total domination of the left-wing unions in the State. Obviously the clause is included in the Bill as the result of the act of an irresponsible trade union official.

The Hon. G. T. Virgo: And you're speaking under the direction of the League of Rights of the West Coast.

Mr. GUNN: As I take exception to the Minister's remark, I ask him to withdraw it.

The CHAIRMAN: Although I do not accept the remark as being unparliamentary, I ask the Minister whether he wishes to withdraw it.

The Hon. G. T. Virgo: No, Sir.

The CHAIRMAN: The honourable member for Eyre.

Mr. GUNN: We know the company the Minister keeps and the organizations to which he belongs.

The CHAIRMAN: The honourable member for Eyre must understand that I have warned him on two occasions.

Mr. Venning: That was a long time ago.

The CHAIRMAN: I warn the honourable member for Rocky River. If the honourable members for Eyre and Rocky River persist in disobeying the authority of the Chair, I will not hesitate, even at this late hour, to carry out the terms of the Standing Orders.

Mr. GUNN: I will not continue on that line or try to contravene your impartial ruling, Mr. Chairman. When I was interrupted by that unfair and untrue allegation, I was trying to explain why this clause had been inserted. Obviously, a group of trade unionists tried to hold to ransom a small isolated rural community, and the occasion was a despicable one in the history of the trade union movement in this State. Any citizen who is deprived of his rights should be able to take legal action against the person depriving him. Obviously, the Minister of Roads and Transport supports this type of clause only because he does not believe in democracy, and his snide, untrue and unparliamentary remarks—

The CHAIRMAN: Order! The question before the Committee is "That clause 145 stand as printed".

The Committee divided on the clause:

Ayes (21)—Messrs. Broomhill, Brown, Burdon, Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McKee (teller), McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (16)—Messrs. Becker, Carnie, Coumbe, Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs, Tonkin, Venning, and Wardle.

Pairs—Ayes—Mrs. Byrne, Messrs. King and Langley. Noes—Messrs. Allen, Evans, and Nankivell.

Majority of 5 for the Ayes.

Clause thus passed.

Clauses 146 to 154 passed.

Clause 155—"Remedies and penalties for breach of award or agreement."

The Hon. D. H. McKEE moved:

In subclause (1) after "Commission" to insert "(which breach, non-observance or failure to comply is not an offence under any other section of this Act)".

Amendment carried.

The Hon. D. H. McKEE moved:

In subclause (3) to strike out "or (2)".

Amendment carried; clause as amended passed.

Clause 156—"Penalties."

Mr. GUNN: I understand that under this clause any fine imposed on a person would go to the organization prosecuting. If an employer was fined, would the trade union benefit from the fine?

The Hon. D. H. McKEE: Yes, that is so.

Mr. GUNN: Can the Minister explain clearly the reasons for this course of action, which I understand has not been followed in the past?

The Hon. D. H. McKEE: This has occurred previously, but the provision applies equally to the employer if the result of the case is the reverse of that stated by the honourable member.

Mr. COUMBE: I assumed before the Minister gave that reply that the fine would go to the other side—

The Hon. D. H. McKee: Or the Treasurer.

Mr. COUMBE: Yes. Whilst there have been precedents in New South Wales and Victoria, as far as I know in no other jurisdiction in South Australia does a fine go to the complainant. The principle is that costs and damages can be awarded to a complainant

and that fines go to general revenue, through the Treasurer. I want to know why we are breaking new ground in South Australia. I realize that it applies to either side, but this is introducing a new and dangerous principle. From inquiries I have made, it certainly does not appear to apply in criminal or civil proceedings. Although one receives any costs that are awarded, the fine goes to revenue. Will the Minister therefore explain the matter?

[*Midnight*]

Mr. McRAE: I could help the honourable member by drawing his attention to section 122 of the Industrial Code. We are not breaking new ground and we are not discriminating between employers and employees. I do not know what the fuss is all about, and I can only suggest that whoever advised the honourable member did not do his homework very well.

Mr. BECKER: If a fine is imposed, does the State collect money on behalf of a recipient?

The Hon. D. H. McKEE: Yes.

Clause passed.

Clause 157 passed.

Clause 158—"Employer not to dismiss employee because member of association or taking benefit under the Act."

Mr. BECKER: This clause spells out that no employer shall dismiss an employee if he is not a member of an association. Can the Minister say what will happen if, as occurred in relation to some of my constituents in the last few months, one is approached to join an association and, upon resisting, is simply told by the union secretary that if one does not join industrial trouble at the place of employment will occur? I take it that no shop steward or union official has the right to say this to a person who is not a member of a union.

The Hon. D. H. McKEE: The clause is perfectly clear, as it refers to an employee who is or is not an officer or member of an association. The Bill affords protection to the type of person to whom the member has referred, and he can appeal to the court.

Mr. BECKER: I think this should be spelt out. People have approached me regarding attempts made by shop stewards to increase membership of their unions. As it is not generally known that people are not compelled to join unions, will the Minister's department inform employers of this and ask them to tell their employees that they are not compelled to do so?

The Hon. D. H. McKEE: I am afraid I cannot undertake that task for the honourable member. However, I am sure that employers will have copies of this Bill.

Mr. BECKER: Why will the Minister not request his department to ensure that the workers of this State are informed of their rights? After all, is it not the role of the Department of Labour and Industry to do so?

The Hon. D. H. McKEE: This clause is identical to the clause in the existing legislation, and I am sure that most employees are well aware of the provision and, indeed, that they will be notified of it by their employers, who will probably be the first to get copies of the Bill.

Mr. GUNN: In view of the Minister's reply, it would be reasonable to assume that in many cases shop stewards and union officials who have forced people to become members of an association have broken the law. Is this true?

Mr. McRAE: I rise on a point of order. The question of whether shop stewards have forced people to become members of an association has nothing to do with this clause.

The CHAIRMAN: The point of order is sustained.

Mr. MATHWIN: I cannot agree with the member for Playford on that matter.

The CHAIRMAN: Order! If honourable members are going to show a total disregard for the authority of the Chair, they will be dealt with, and that applies to all honourable members. The honourable member for Playford raised a point of order, which I sustained. The honourable member for Glenelg cannot challenge that, unless he moves to disagree to my ruling.

Mr. MATHWIN: People have been told that if they do not join a union they will be sacked.

The CHAIRMAN: Order! I have already ruled on that issue.

Mr. GUNN: This clause relates to whether an employee will be forced to join a union.

The CHAIRMAN: Order! I will not allow a question along those lines, as I have already ruled that it is not relevant to the clause.

Mr. MATHWIN: This clause provides that no employer shall dismiss any employee from his employment or injure him in his employment by reason only of the fact that the employee is not a member of an association.

The CHAIRMAN: Order! I suggest that the honourable member read the clause properly. It contains the words "is or is not".

Mr. MATHWIN: If a person is not a member of an association, his employment will be terminated.

Mr. GUNN: I support what the member for Glenelg has said. I can cite instances where a trade union official has served an ultimatum on an employer.

Mr. McRAE: I rise on a point of order. You, Mr. Chairman, have already ruled on this matter.

The CHAIRMAN: Order! I have already sustained a point of order. I cannot allow repetition of the same subject matter. Standing Order 156 prevents such repetition, especially when it is the subject of a ruling already given. The honourable member has the redress of disagreeing to the Chairman's ruling.

Mr. GUNN: I do not think I was repeating what I said earlier. I was endeavouring to describe the circumstances relevant to this matter. I am not trying to contravene your previous rulings. I will now outline an occasion when a union official issued an ultimatum—

Mr. McRAE: I again rise on a point of order. There is nothing about union officials in this clause. It refers to employers.

The CHAIRMAN: Order!

Mr. GUNN: The union official concerned instructed the employer that, unless his employees became members of his union before a certain time, he would black ban every site in South Australia.

The CHAIRMAN: Order! I will not allow discussion along these lines. I have already ruled that the subject matter dealt with by the member for Eyre is out of order.

Mr. Gunn: Democracy has again been thwarted.

The CHAIRMAN: I name the honourable member for Eyre.

The Speaker having resumed the Chair:

The CHAIRMAN: I have to report that I have warned the honourable member for Eyre on three occasions during the course of the debate. I have also warned the honourable member about his total disregard for the authority of the Chair, and I have had no alternative but to name him.

The SPEAKER: Standing Order 171 provides:

Whenever any member shall have been named by the Speaker or by the Chairman of Committees such member shall have the right to be heard in explanation or apology,

The honourable member for Eyre.

Mr. GUNN: If I have unduly reflected on the ruling of the Chairman of Committees or on members of the House, I humbly apologize. It was done in the heat of the moment. It was not deliberate, and I apologize.

Dr. EASTICK moved:

That the apology of the honourable member for Eyre be accepted and that no further action be taken.

Motion carried.

In Committee.

Clause 158 passed.

Clause 159 passed.

Clause 160—"Employers to keep certain records."

Dr. EASTICK: Subclause (2) ends with the word "employee". Can the Minister say whether that word is correct, because it is an interpretation that I find difficult to follow. Should the word be "employer"?

The Hon. D. H. McKEE: I understand that an employee will verify the hours he has worked when entering this information in the time book.

Mr. COUMBE: Why is the building industry named in this paragraph? Reference is made elsewhere in the Bill to factories and other areas of work. How is this provision to operate?

The Hon. D. H. McKEE: This applies to the long service leave provisions where employees in the building industries work on a part-time basis 20 hours a week. They may work on a permanent casual basis or on a regular part-time basis. This industry is singled out, so that employees would be covered with regard to long service leave provisions.

Clause passed.

Clause 161—"Penalty for false entries."

The Hon. D. H. McKEE: I move:

To strike out "or imprisonment for one year".

As I said in my second reading speech, there has been no change made in the penalties at present applying in Division 3 of Part 10 of the Bill. It has been found however that in four places in the Bill (and this is the first of them), there is an alternative of imprisonment to the fine. The Government considers that this is not realistic, and in any case imprisonment for one year can hardly be said to be the equivalent of a fine of $100. Accordingly, it is proposed that the reference to imprisonment be deleted from the penalty. As I said in my second reading explanation, in four places in the Bill it has been found that no change has been made to the penalties applying in Division 3 of Part 10 of the Bill, and this is the first of them. I believe that one year's imprisonment is out of proporion when considered against a $100 fine, and I think that all members will agree with that.

Mr. GOLDSWORTHY: This amendment strikes out all reference to imprisonment. What is the reason for leaving out the prison sentence?

The Hon. D. H. McKEE: The court may still impose a fine of between $1 and $200 and, in default, it could impose a term of imprisonment of between one day and 10 days or between 10 days and three months; but it is not usual in industrial matters. That is why we wish to leave it out of the Bill.

Amendment carried; clause as amended passed.

Clauses 162 and 163 passed.

Clause 164—"Certain guarantees illegal."

Mr. MATHWIN: Does this clause affect teachers who are required to take out a bond?

The Hon. D. H. McKEE: This is identical to the section in the Industrial Code. It is to protect people against certain employers who accept payment from people who are learning a trade. This clause is designed to protect apprentices.

Clause passed.

Clause 165—"Contempt by witness."

The Hon. D. H. McKEE: I move:

In subclause (1) to strike out "or imprisonment for three months".

This is similar to a previous amendment.

Mr. GOLDSWORTHY: I am not entirely satisfied with the Minister's previous explanation of this matter. It would be fairly simple if the Minister thought that the penalty of imprisonment for three months was not compatible with a fine of $100. However, one can have a fine paid by a friend or an organization but one cannot get a friend to serve a term of imprisonment for one. Contempt of any court is a fairly serious offence, and contempt of court in any other jurisdiction carries an alternative penalty of imprisonment. It seems to undermine the authority of the court if only a fine is payable and imprisonment cannot be imposed. I am not interested in harsh penalties but, for the court to have any real teeth and for people to be prevented from holding the court in contempt, a prison sentence as an alternative penalty is appropriate. The Minister said that in industrial matters he did not think a prison sentence was a suitable penalty, but the Industrial Court has the same sort of authority as any other court in the land, and in this Bill it is being given a fair authority in civil matters. I am not convinced by the argument of the Minister in this regard.

The Hon. D. H. McKEE: This amendment does not necessarily take away from the court the right to imprison an offender.

Amendment carried.

The Hon. D. H. McKEE moved:

In subclause (2) to strike out "or imprisonment for three months".

Amendment carried; clause as amended passed.

Clause 166 passed.

Clause 167—"Punishment for contempt of Court or Commission."

The Hon. D. H. McKEE moved:

In subclause (1) to strike out "or imprisonment for three months".

Amendment carried.

Dr. EASTICK: Subclause (2) is a new provision that did not appear in the old legislation. It would appear to be an eminently suitable provision for inclusion in the Bill. It will undoubtedly be to the advantage of the working of the court.

Mr. Crimes: It protects the court.

Dr. EASTICK: Yes. I take it it is inserted for a specific purpose. Would the Minister indicate that purpose or the person for whom it is especially put there?

The Hon. D. H. McKEE: It simply means that the court can fine immediately a person for contempt of court.

Dr. Eastick: Has the Government anyone in mind in respect of whom this would be necessary under the working of the court?

The Hon. D. H. McKEE: It would happen very seldom but there could be a case of insulting a Commissioner or using obscene language in court. This provision gives the court the right to deal with the person concerned.

Dr. Eastick: It is not designed with any specific person in mind?

The Hon. D. H. McKEE: No.

Clause as amended passed.

Remaining clauses (168 to 177), schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 12.32 a.m. the House adjourned until Thursday, October 12, at 2 p.m.